

THURSDAY, MAY 13, 1993

FORTY-SIXTH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Dr. Tom Holland, Crieve Hall Church of Christ, Nashville, Tennessee.

Representative Hillis led the House in the Pledge of Allegiance to the Flag.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under Rule No. 20:

Representative Chiles; illness.

Representative Jackson; illness.

Representative Pruitt; death in family.

ROLL CALL

The roll call was taken with the following results:

Present 96

Representatives present were: Allen, Anderson, Armstrong, Arribola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chamney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowkes, Garrett, Givens, Gunhals, Haley, Haltzman, Harwell, Hargrove, Hassel, Haun, Head, Harp, Hillis, Huskey, Johnson, Jones R (Shelby), Jones J (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamp, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

REPORT OF CHIEF ENGROSSING CLERK
May 13, 1993

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 748, 872, 920, 1013, 1014, 1148,

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1163, 1318, 1373, 1419 and 1423; also, House Joint Resolution(s) No(s). 119, 287, 288, 290, 291, 292 and 293.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

REPORT OF COMMITTEE ON CALENDAR AND RULES

May 13, 1993

The Calendar and Rules Committee has met and set the following bill(s) on the Regular Calendar for Tuesday, May 18, 1993: House Bill(s) No(s). 1039, 603, 1551, 490 and 1527.

The Committee set the following bill(s) and/or resolution(s) on the Consent Calendar for Tuesday, May 18, 1993: House Joint Resolution(s) No(s). 200; Senate Joint Resolution(s) No(s). 187 and 167; House Bill(s) No(s). 272; also, Senate Joint Resolution(s) No(s). 192.

We further report that the following was/were considered but failed to pass: House Bill No. 1152.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to Rule No. 17, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

House Joint Resolution No. 0317 -- Memorials, Congress -- Urges support of extension of Amtrak rail service between New York and Atlanta through East Tennessee and directs feasibility study of proposed new route, by *Turner B, *Bittle, *Armstrong, *Tindell, *Stulce, *McAfee, *Duer, *Boyer, *Severance, *Peroulas Draper, *Cole Ralph, *Cross, *Ritchie, *Johnson, *Givens, *Williams Micheal, *McKee, *Anderson, *Allen, *Gunnels, *Haun, *Davis Ronnie, *Wood, *Owenby, *Whitson, *Rhinehart, *Coffey, *Ferguson, *Winningham, *Phelan, *Arriola, *Hillis, *Ramsey, *Meyer, *Fisher, *Hargrove.

Transportation Committee.

RESOLUTIONS

Pursuant to Rule No. 17, the following resolution(s) was/were introduced and placed on the Consent Calendar for Thursday, May 13, 1993:

House Resolution No. 0074 -- Memorials, Professional Achievement -- Calsonic Manufacturing Corporation anniversary. by *Phillips.

House Resolution No. 0075 -- Memorials, Recognition and Thanks -- Ron Thomas. by *Phillips.

House Resolution No. 0076 -- Memorials, Personal Achievement -- Lowe Finney, Tennessee Beta Club President. by *Herron.

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House Resolution No. 0077 -- Memorials, Interns -- P. Michelle White. by *Jones U., *Miller.

House Joint Resolution No. 0326 -- Memorials, Recognition and Thanks -- Paris-Henry County Jaycees, Fish Fry. by *Ridgeway.

House Joint Resolution No. 0327 -- Memorials, Academic Achievement -- John Morgan Graham, 1993 Valedictorian, Lebanon High School. by *Bell.

House Joint Resolution No. 0328 -- Memorials, Academic Achievement -- Dresden High School Valedictorian and Salutatorian. by *Herron.

House Joint Resolution No. 0329 -- Memorials, Academic Achievement -- Gleason High School Valedictorian and Salutatorian. by *Herron.

House Joint Resolution No. 0330 -- Memorials, Academic Achievement -- Greenfield High School Valedictorian and Salutatorian. by *Herron.

House Joint Resolution No. 0331 -- Memorials, Academic Achievement -- Martin Westview High School Valedictorian and Salutatorian. by *Herron, *Pinion.

House Joint Resolution No. 0332 -- Memorials, Academic Achievement -- Palmersville High School, Valedictorian and Salutatorian. by *Herron.

House Joint Resolution No. 0333 -- Memorials, Academic Achievement -- Sharon High School Valedictorian and Salutatorian. by *Herron.

RESOLUTIONS

Pursuant to Rule No. 17, the following resolution(s) was/were introduced and placed on the Consent Calendar for Tuesday, May 18, 1993:

House Resolution No. 0078 -- Memorials, Recognition and Thanks -- Reverend Joe R. Gant and Calvary Baptist Church. by *Brooks, *Dixon, *Turner L., *Jones U., *Miller, *Jones R., *Thompson.

House Resolution No. 0079 -- Memorials, Personal Occasion -- Mr. and Mrs. Edward Tyrus Harber, 50th Wedding Anniversary. by *Williams Micheal.

House Resolution No. 0080 -- Memorials, Sports -- Horace Maynard High School men's basketball. by *Williams Micheal.

House Resolution No. 0081 -- Memorials, Public Service -- Michael D. Gonce, Jim Myers Community Service Award. by *Venable, *Ramsey, *Westmoreland.

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House Joint Resolution No. 0336 -- Memorials, Public Service -- Rucker W. Raikes. by *Liles.

MESSAGE FROM THE SENATE

May 13, 1993

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 223 and 224; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 0223 -- Memorials, Death -- Carol Oakes, Morristown. by *Greer.

Senate Joint Resolution No. 0224 -- Memorials, Death -- Mamie Zwingle. by *Cooper.

SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)

Pursuant to Rule No. 17, the resolution(s) listed was/were noted as being placed on the Consent Calendar for Thursday, May 13, 1993:

Senate Joint Resolution No. 0223 -- Memorials, Death -- Carol Oakes, Morristown.

Senate Joint Resolution No. 0224 -- Memorials, Death -- Mamie Zwingle.

RESOLUTIONS LYING OVER

On motion, the resolutions(s) listed was/were referred to the appropriate Committee:

*Senate Joint Resolution No. 0175 -- Memorials, Government Officials -- Urges public service commission to study feasibility of including Dickson County within local telephone calling area for Nashville and vicinity.

Calendar and Rules Committee.

*Senate Joint Resolution No. 0213 -- Memorials, Government Officials -- Urges President Clinton to appoint Gilbert S. Merritt as justice on United States Supreme Court.

Calendar and Rules Committee.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

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*House Bill No. 1683 -- Trusts -- Establishes special 4-H endowment funds in the Tennessee 4-H Club Foundation at UT Institute of Agriculture for purpose of promoting 4-H projects in each district. by *Givens, *Lewis.

House Bill No. 1684 -- Copperhill -- Enacts new charter. Amends Chapter 93, Private Acts of 1913, as amended. by *Fisher.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

*Senate Bill No. 0432 -- Human Services, Dept. of -- Instructs department to conduct AFDC client characteristics studies once every three years prior to any federally regulated review. Amends TCA 71-3-104. (HB 1468).

Senate Bill No. 1036 -- Hearing and Hearing Aids -- Restricts sale or repair of hearing aids by public post secondary educational institutions to only certain persons. Amends TCA, Title 49. (*HB 0263).

*Senate Bill No. 1403 -- Law Enforcement Training Academy -- Prohibits teaching of choke hold maneuvers to candidate at state law enforcement training facilities; creates civil penalty for using such maneuvers. Amends TCA, Title 38, Chs. 3, 8. (HB 1316).

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 1662 -- Handicapped Persons -- Finance, Ways and Means Committee.

*House Bill No. 1664 -- Racing -- Finance, Ways and Means Committee.

House Bill No. 1676 -- Gibson County -- Held on Clerk's desk pending approval by local delegation.

House Bill No. 1679 -- Martin -- Held on Clerk's desk pending approval by local delegation.

House Bill No. 1681 -- Taxes, Severance -- Finance, Ways and Means Committee.

House Bill No. 1682 -- Montgomery County -- Held on Clerk's desk pending approval by local delegation.

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CONSENT CALENDAR

House Bill No. 0337 -- Sunset Laws -- Department of economic and community development, June 30, 2000. Amends TCA, Title 4, Chs. 3, 29.

On motion House Bill No. 337 was made to conform with Senate Bill No. 120; the Senate Bill was substituted for the House Bill.

*House Bill No. 1477 -- Eminent Domain -- Changes amount of interest charged for judgments against governmental entities in eminent domain actions from 10 percent to 1 percent over prime rate. Amends TCA 29-17-813.

*House Joint Resolution No. 0210 -- General Assembly, Studies -- Creates special joint committee to study forfeiture laws.

House Bill No. 0881 -- Appropriations -- Appropriates \$50,000 to Tennessee Commission on Commemoration of the Holocaust to fund specific educational programs.

*Senate Joint Resolution No. 0067 -- Memorials, Government Officials -- Urges commissioner of revenue to obtain federal legislation permitting application of state use taxes to out of state mail order companies who solicit sales from residents of taxing states.

*House Resolution No. 0067 -- Memorials, Congress -- Urges president and congress to examine and consider repeal of federal tax laws, policies and programs that encourage U.S. industries to close domestic operations and relocate to foreign countries.

*House Resolution No. 0058 -- General Assembly, Directed Studies -- Requests select oversight committee on education examine issue of participation in career ladder by school superintendent.

House Resolution No. 0056 -- Memorials, Government Officials -- Urges public service commission to study feasibility of including Dickson County within local telephone calling area for Nashville and vicinity.

*Senate Joint Resolution No. 0157 -- Memorials, Government Officials -- Urges creation of JOBSWORK Community Service Pilot Program.

House Bill No. 1585 -- Financial Institutions, Dept. of -- Exempts bonds issued for the purpose of refinancing from the two year repayment requirement. Amends TCA 48-3-301.

On motion House Bill No. 1585 was made to conform with Senate Bill No. 635; the Senate Bill was substituted for the House Bill.

House Resolution No. 0072 -- Memorials, Retirement -- Mrs. Henrene A. Jenkins.

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House Resolution No. 0073 -- Memorials, Professional Achievement -- Effie Driskill Thacker, "Who's Who in Tennessee Nursing Homes".

House Joint Resolution No. 0321 -- Naming and Designating -- "Dr. Talib-Karim Muhammad Appreciation Day," July 25, 1993.

House Joint Resolution No. 0322 -- Memorials, Public Service -- Jennings Jones.

House Joint Resolution No. 0323 -- Memorials, Retirement -- Sarah Frances Prince, Assistant Commissioner.

House Joint Resolution No. 0324 -- Memorials, Death -- The Reverend Andrew "Jack" Prince.

House Joint Resolution No. 0325 -- Memorials, Death -- Tim Kerin, University of Tennessee athletic trainer.

House Bill No. 1669 -- Cannon County -- Enacts "Cannon County Automobile Graveyard and Junkyard Control Act".

House Bill No. 1671 -- Humboldt -- Revises composition of board of mayor and aldermen. Amends Chapter 253, Private Acts of 1978, as amended.

House Bill No. 1673 -- Wilson County -- Establishes tax rate for the Tenth Special School District. Amends Chapter 330, Acts of 1901, as amended.

On motion House Bill No. 1673 was made to conform with Senate Bill No. 1659; the Senate Bill was substituted for the House Bill.

House Bill No. 1677 -- Jackson -- Revises and consolidates charter. Amends Chapter 407, Acts of 1909, as amended.

House Bill No. 1678 -- Smithville -- Authorizes election of city judge for eight year term. Amends Chapter 486, Private Acts of 1941, as amended.

Senate Joint Resolution No. 0217 -- Memorials, Retirement -- Elizabeth Olivia Corder Seay.

Senate Joint Resolution No. 0218 -- Memorials, Academic Achievement -- Lisa Kemp, 1993 Valedictorian, Smith County High School.

Senate Joint Resolution No. 0219 -- Memorials, Academic Achievement -- Myra Bernardo, 1993 Smith County High School Co-Salutatorian.

Senate Joint Resolution No. 0220 -- Memorials, Academic Achievement -- Stephen Collins, 1993 Smith County High School Co-Salutatorian.

Senate Joint Resolution No. 0221 -- Memorials, Interns -- Amy Boyer.

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Senate Joint Resolution No. 0222 -- Memorials, Interns -- Mary Agnes Raulston.

OBJECTION -- CONSENT CALENDAR

Objection was filed to the following on the Consent Calendar:

House Bill No. 881; by Rep. Kisber.

House Resolution No. 56: by Rep. Cross.

Senate Joint Resolution No. 222: by Rep. Stulce.

House Joint Resolution No. 325: by Rep. Severance.

Under the rules, House Bill(s) No(s). 881; House Resolution(s) No(s). 56; also, Senate Joint Resolution No. 222 was/were placed at the heel of today's Regular Calendar.

Rep. Severance moved to suspend the rules so that House Joint Resolution(s) No(s). 325 could be placed at the heel of today's Regular Calendar, which motion prevailed.

Pursuant to Rule No. 50, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.	95
Noes.	0
Present and not voting:	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Ritchie -- 1.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to Rule No. 31, the following member(s) desire to change their original stand from present not voting to ~~aye~~ on the Consent Calendar and have this statement entered in the Journal: Rep(s). Ritchie.

REGULAR CALENDAR

*House Joint Resolution No. 0187 -- Highway Signs -- "Historic Rugby".

Further consideration of House Joint Resolution No. 187, previously considered on May 6, 1993, at which time it was reset to the Calendar for May 13, 1993.

Rep. Windle moved that House Joint Resolution No. 187 be adopted.

Rep. Robinson moved adoption of Transportation Committee Amendment No. 1, seconded by Rep. Windle, as follows:

Amendment No. 1

Amend House Joint Resolution No. 187 by deleting the word "At" at the beginning of subdivisions (1), (2), (4), and (5) in the first resolving clause of the printed resolution and substituting the words "Located off".

AND FURTHER AMEND by deleting subdivisions (6) and (7) in the first resolving clause of the printed resolution.

AND FURTHER AMEND by adding the following paragraph at the end of the first resolving clause of the printed resolution:

The department of transportation shall erect signs only on non-interstate highways, the mention of interstate exits being included in this clause only for locational purposes and not to require directional signs on the interstate.

On motion, Amendment No. 1 was adopted.

Rep. Windle moved that House Joint Resolution No. 187, as amended, be adopted, which motion prevailed.

A motion to reconsider was tabled.

*House Bill No. 0147 -- Courts, General Sessions -- Authorizes non-attorney officers and employees of a corporation to represent

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A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to Rule No. 31, the following member(s) desire to change their original stand from present not voting to ~~aye~~ on the Consent Calendar and have this statement entered in the Journal: Rep(s). Ritchie.

REGULAR CALENDAR

*House Joint Resolution No. 0187 -- Highway Signs -- "Historic Rugby".

Further consideration of House Joint Resolution No. 187, previously considered on May 6, 1993, at which time it was reset to the Calendar for May 13, 1993.

Rep. Windle moved that House Joint Resolution No. 187 be adopted.

Rep. Robinson moved adoption of Transportation Committee Amendment No. 1, seconded by Rep. Windle, as follows:

Amendment No. 1

Amend House Joint Resolution No. 187 by deleting the word "At" at the beginning of subdivisions (1), (2), (4), and (5) in the first resolving clause of the printed resolution and substituting the words "Located off".

AND FURTHER AMEND by deleting subdivisions (6) and (7) in the first resolving clause of the printed resolution.

AND FURTHER AMEND by adding the following paragraph at the end of the first resolving clause of the printed resolution:

The department of transportation shall erect signs only on non-interstate highways, the mention of interstate exits being included in this clause only for locational purposes and not to require directional signs on the interstate.

On motion, Amendment No. 1 was adopted.

Rep. Windle moved that House Joint Resolution No. 187, as amended, be adopted, which motion prevailed.

A motion to reconsider was tabled.

*House Bill No. 0147 -- Courts, General Sessions -- Authorizes non-attorney officers and employees of a corporation to represent

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House Bill No. 1207 -- Crime, Victims of -- Revises certain provisions relative to domestic violence including bail, collection of domestic violence data, orders of protection, and confidentiality of information. Amends TCA, Title 8, Ch. 7, Pt. 3; Title 36, Ch. 3; Title 40, Chs. 7, 11; Title 71, Ch. 6.

Rep. Odom moved that House Bill No. 1207 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1, seconded by Rep. Odom, as follows:

Amendment No. 1

Amend House Bill No. 1207 by deleting all the language after the enacting clause and substituting the following language in its place:

SECTION 1. Tennessee Code Annotated, Section 36-3-611 is amended by adding the following language at the end of subsection (a):

The respondent shall be held in custody for twelve (12) hours after the arrest, unless a judge or judicial officer determines at the respondent's initial appearance pursuant to Section 36-3-612, that a longer or shorter period of custody is appropriate. If the respondent is arrested for violating an ex parte order of protection, the judge or judicial officer may consider the fact that the respondent has not yet had a hearing on the merits of the order of protection in deciding what period of custody is appropriate.

SECTION 2. Tennessee Code Annotated, Section 40-7-103(a)(7)(D) is amended by adding the following language at the end of the subdivision:

Such data shall be forwarded on a monthly basis to the office of executive secretary of the administrative office of the courts.

SECTION 3. Tennessee Code Annotated, Section 36-3-609 is amended by adding the following language at the end of the section:

Upon receipt of the copy of the order of protection, the local law enforcement agency shall enter such order in the Tennessee crime information system.

SECTION 4. Tennessee Code Annotated, Title 71, Chapter 6, Part 2 is amended by adding the following language as a new appropriately numbered section:

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Section _____. (a) No person can be compelled to provide testimony or documentary evidence in a criminal, civil or administrative proceeding which would identify the address or location of a shelter.

(b) In any proceeding involving a shelter or a person staying at a shelter, the sheriff shall serve any legal papers or process by contacting the shelter by telephone and making arrangements for service of the papers or process on the shelter or the person staying at the shelter.

SECTION 5. This act shall take effect July 1, 1993, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Odom moved to adopt Amendment No. 2 as follows:

Amendment No. 2

Amend House Bill No. 1207 by deleting Section 1 of the bill as amended by House Judiciary Committee Amendment 1 and renumbering subsequent sections accordingly.

On motion, Amendment No. 2 was adopted.

Rep. Odom moved that House Bill No. 1207, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

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*House Bill No. 1412 -- Banks and Financial Institutions -- Establishes certain procedures governing conversion of one bank holding company into a bank holding company. Amends TCA, Titles 45, 48.

Rep. Williams (Shelby) moved that House Bill No. 1412 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1, seconded by Rep. Williams (Shelby), as follows:

Amendment No. 1

Amend House Bill No. 1412 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 48-58-104, is amended by deleting subsection (c).

SECTION 2. This act shall take effect July 1, 1993, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Williams (Shelby) moved that House Bill No. 1412, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	95
Noes.....	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Haldeman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisbar, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 0800 -- Alcoholic Beverages -- Expands definition of "premiere type tourist resort" relative to liquor by the drink laws. Amends TCA 57-4-102.

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Rep. Armstrong moved that House Bill No. 800 be passed on third and final consideration.

Rep. Armstrong moved to adopt Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 800 by inserting into the bill the following new Section 2 and renumbering the remaining sections accordingly:

Section 2. Tennessee Code Annotated, Section 57-4-102(17), is amended by adding thereto the following:

(G) A club, either for profit or not for profit, which has been in existence for two (2) consecutive years during which time it has maintained a membership of at least three thousand (3,000) members and which maintains club facilities on or adjacent to property offering recreational services available to its members which services shall include one (1) or more of the following:

(i) golf course with at least 18 holes;

(ii) tennis courts;

(iii) marina facilities with a minimum of four hundred (400) slips.

Any such club whose club facilities are located on the premises of an area meeting the definition of a premier type tourist resort under this section may exercise its privileges authorized under this chapter anywhere within such area.

On motion, Amendment No. 1 was adopted.

Rep. Armstrong moved that House Bill No. 800, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	57
Noes	34
Present and not voting	5

Representatives voting aye were: Armstrong, Arriola, Bittle, Brooks, Brown, Buck, Callicott, Chumney, Clark, Cole (Carter), Cole (Dyer), Collier, Davis, DeBerry, Dixon, Duer, Fowlkes, Garrett, Hargrove, Hassell, Haun, Head, Huskey, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, Kisber, Knight, Lewis, Love, Meyer, Miller, Mires, Moore, Napier, Odom, Peroulas Draper, Phelan, Phillips, Purcell, Rigsby, Rinks, Robinson, Severance, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), West, Westmoreland,

Whitson. Williams (Shelby), Williams (Williamson), Wix, Mr. Speaker Naifeh -- 57.

Representatives voting no were: Allen, Anderson, Bell, Bragg, Byrd, Coffey, Crain, Cross, Davidson, Ferguson, Fisher, Givens, Gunnels, Haley, Halteman Harwell, Herron, Hillis, Johnson, Joyce, McAfee, McDaniel, McKee, Pinion, Ramsey, Ridgeway, Shirley, Stamps, Stockburger, Venable, Walley, Williams (Union), Windle, Winningham, Wood -- 34.

Representatives present and not voting were: Boyer, Liles, Owenby, Rhinehart, Ritchie -- 5.

A motion to reconsider was tabled.

***House Joint Resolution No. 0253** -- Memorials, Government Officials -- Requests Tennessee Supreme Court to adopt disciplinary rules and ethical considerations relative to practice of attorneys attempting to solicit employment from persons who have recently been involved in accident.

Rep. Purcell moved that **House Joint Resolution No. 253** be adopted, which motion prevailed.

A motion to reconsider was tabled.

House Bill No. 0787 -- Criminal Offenses -- Creates offense of "ticket scalping" defined as selling admission ticket at price greater than standard retail price of such ticket. Amends TCA, Title 39, Ch. 17, Pt. 11.

Rep. Chumney moved that **House Bill No. 787** be re-referred to the Calendar and Rules Committee, which motion prevailed.

***Senate Bill No. 1112** -- Corporations -- Clarifies that actions under TCA 68-211-104 are unlawful. Amends TCA, Title 68, Ch. 211.

Further consideration of **Senate Bill No. 1112**, previously considered on today's Calendar.

Rep. Kent moved that **Senate Bill No. 1112**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman

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Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 1065 -- Criminal Offenses -- Removes requirement of threatening death or serious injury as effect required to establish charge of stalking. Amends TCA 39-17-315.

On motion, House Bill No. 1065 was made to conform with **Senate Bill No. 764**; the Senate Bill was substituted for the House Bill.

Rep. Chumney moved that **Senate Bill No. 764** be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1, seconded by Rep. Chumney, as follows:

Amendment No. 1

Amend Senate Bill No. 764 by deleting Section 1 in its entirety and substituting instead the following:

Section 1. Tennessee Code Annotated, Section 39-17-315, is amended by deleting subsection (a) and substituting instead the following:

(a)(1) A person commits the offense of stalking:

(A) Who repeatedly follows or harasses another person with the intent to place that person in reasonable fear of a sexual offense, bodily injury or death; and

(B) Whose actions would cause a reasonable person to suffer substantial emotional distress; and

(C) Whose acts induce emotional distress to that person.

(2) As used in this subsection:

(A) "Harasses" means a course of conduct directed at a specific person which would cause a reasonable person to fear a sexual offense,

bodily injury, or death, including, but not limited to, verbal threats, written threats, vandalism, or unconsented to physical contact.

(B) "Follows" means maintaining a visual or physical proximity over a period of time to a specific person in such a manner as would cause a reasonable person to have a fear of a sexual offense, bodily injury or death.

(C) "Repeatedly" means on two (2) or more separate occasions.

On motion, Amendment No. 1 was adopted.

Rep. Chumney moved that Senate Bill No. 764, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	93
Noes.	0
Present and not voting.	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisher, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stookburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives present and not voting were: Head, Wix -- 2.

A motion to reconsider was tabled.

House Bill No. 1067 -- Election Laws -- Allows a person to wear button, cap, pin, shirt or other article of clothing in polling place. Amends TCA, Title 2.

On motion, House Bill No. 1067 was made to conform with Senate Bill No. 1125; the Senate Bill was substituted for the House Bill.

Rep. Chumney moved that Senate Bill No. 1125 be passed on third and final consideration.

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Rep. Chumney requested that Senate Bill No. 1125 be moved to the heel of the Calendar.

***House Joint Resolution No. 0188 -- General Assembly, Directed Studies -- Directs department of general services to study state contracts with African-American businesses.**

Rep. U. Jones moved that House Joint Resolution No. 188 be adopted.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1, seconded by Rep. U. Jones, as follows:

Amendment No. 1

Amend House Joint Resolution No. 188 by deleting from the first preamble clause the words "and professional sectors".

AND FURTHER AMEND the second preamble clause by inserting the word "may" between the word "past" and the word "have", and by deleting the words "and professionals".

AND FURTHER AMEND the first resolving clause by:

(1) deleting the words "and in-depth study" and by substituting instead the words "an in-depth study";

(2) by deleting from item (1) the language "professional and commercial contractors, subcontractors, and suppliers", and by substituting instead the language "business owners";

(3) by deleting from items (2) and (3) the language "and professionals";

(4) and by deleting from items (2) and (3) the date "1992-1993" and by substituting instead the date "1993-1994".

AND FURTHER AMEND the third resolving clause by deleting the date "January 12, 1994", and by substituting instead the date "January 30, 1995", and by placing a period at the end of the words "two speakers" and by deleting the remainder of the resolving clause.

On motion, Amendment No. 1 was adopted.

House Joint Resolution No. 188, as amended, was adopted.

A motion to reconsider was tabled.

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*Senate Joint Resolution No. 0144 -- General Assembly, Studies -- Creates special joint subcommittee of house and senate education committees to study effects on higher education of K-12 education reform.

Rep. Davidson moved that Senate Joint Resolution No. 144 be concurred in.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:

Amendment No. 1

Amend Senate Bill No. 144 by deleting from the first resolving clause of the printed bill the following language:

That there is created a special joint subcommittee of the education committees of the Senate and House of Representatives consisting of three (3) members from each committee

AND substituting instead the following:

That the selection joint oversight committee on education is authorized

Rep. Turner (Hamilton) moved that Amendment No. 1 be tabled, which motion failed.

On motion, Amendment No. 1 was adopted.

Rep. Davidson moved that Senate Joint Resolution No. 144, as amended, be concurred in, which motion prevailed.

A motion to reconsider was tabled.

*Senate Joint Resolution No. 0145 -- General Assembly, Studies -- Creates special joint subcommittee of education committees to study higher education budgeting and planning process.

Rep. Davidson moved that Senate Joint Resolution No. 145 be concurred in.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:

Amendment No. 1

Amend Senate Joint Resolution No. 145 by deleting from the first resolving clause of the printed bill the following language:

That there is created a special joint subcommittee of

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the education committees of the Senate and House of Representatives consisting of three (3) members from each committee

AND substituting instead the following:

That the selection joint oversight committee on education is authorized

Rep. Turner (Hamilton) moved that Amendment No. 1 be tabled, which motion failed by the following vote:

Ayes.	5
Noes.	83
Present and not voting.	5

Representatives voting aye were: DeBerry, Peroulas Draper, Phillips, Stulce, Turner (Hamilton) -- 5.

Representatives voting no were: Allen, Anderson, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jones R (Shelby), Joyce, Kent, Kernell, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Mires, Moore, Napier, Odom, Owenby, Phelan, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Thompson, Tindell, Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 83.

Representatives present and not voting were: Armstrong, Callicott, Johnson, Kisber, Miller -- 5.

On motion, Amendment No. 1 was adopted.

Rep. Davidson moved that Senate Joint Resolution No. 145, as amended, be concurred in, which motion prevailed.

A motion to reconsider was tabled.

***House Bill No. 0305 -- Taxes, Franchise -- Creates franchise tax credit for new job creation. Amends TCA, Title 67, Ch. 4, Pt. 9.**

Rep. Kisber moved that House Bill No. 305 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 305 by deleting the declaratory and amendatory language of Section 1 in its entirety and substituting the following:

SECTION 1. Tennessee Code Annotated, Section 67-4-908, is amended by designating subsection (b) as subsection (c) and adding the following new subsection (b):

(b)(1) As used in this subsection, unless the context otherwise requires:

(A) "Business enterprise" means any business which has made the "required capital investment" in Tennessee and which is engaged in manufacturing, warehousing and distribution, processing, corporate offices and operations, convention or trade show facilities, and research and development industries. Such term shall not include retail businesses.

(B) "Full-time employee job" means a job for twelve (12) months in a business enterprise held by a person who is employed for at least thirty-seven and one-half (37 1/2) hours per week for whom minimum health care as described in Tennessee Code Annotated, Title 56, Chapter 7, Part 22, has been provided.

(C)(i) Except for business enterprises engaged in convention or trade show facilities, "required capital investment" means an increase of \$500,000 on or after January 1, 1993 in any combination of (1) owned real or tangible property in Tennessee plus (2) increases in leased property (in Tennessee) evaluated according to Tennessee Code Annotated, Section 67-4-906(a) or (b).

(ii) For business enterprises engaged in convention or trade show facilities, "required capital investment" means an increase of \$10,000,000 on or after January 1, 1993 in any combination of (1) owned real or tangible property in Tennessee plus (2) increases in leased property (in Tennessee) evaluated according to Tennessee Code Annotated, Section 67-4-906(a) or (b).

(2) There shall be allowed as a job tax credit against a qualified business enterprise's franchise tax liability two thousand dollars (\$2,000) for each new full-time employee job created during a fiscal year and in existence at the end of that year. Only

those business enterprises that increase employment by twenty-five (25) or more jobs during a given fiscal year and meet the required capital investment shall be eligible for a credit. If the required capital investment which creates the new full-time employee job is made after January 1, 1993 but before the fiscal year in which the job is filled, the business enterprise shall file a business plan with the commissioner of revenue in order to qualify for the credit. The business plan shall describe the investment made, the number of jobs the investment will create and the expected dates such jobs will be filled. The business plan shall be filed on or before the last day of the fiscal year in which the investment is made. The business enterprise shall then be eligible to qualify for a job tax credit in the year the job is filled in the manner described below. The business enterprise shall not be entitled to a credit for jobs filled pursuant to a business plan unless the job is filled within three (3) years of the last day of the fiscal year in which the investment is made. The commissioner of revenue shall have the authority to conduct audits or require the filing of additional information necessary to substantiate or adjust the findings contained within the business plan. If a business enterprise qualifies for a credit during a fiscal year, the credit shall be applied to the business enterprise's franchise tax liability for the fiscal year immediately following the year in which the job is created. Any unused credit may be carried forward for five (5) years and ending with fiscal year six (6) after the creation of the new job. No credit shall be established for a fiscal year if the net employment increase during the fiscal year falls below twenty-five (25). The credit, and any credit forward applied in subsequent years, shall be applied only against the amount of increase in the business enterprise's franchise tax liability directly related to the infusion of the required capital investment in Tennessee. The amount of increase in a business enterprise's franchise tax liability is defined as the difference between the business enterprise's franchise tax liability shown on the franchise tax return which first reflects an increase in liability directly related to the required capital investment and the franchise tax liability for the immediately preceding tax return. If the tax return filed immediately prior to the return which shows an increase in liability is a short period return, the franchise tax shall be annualized in order to determine the amount of increase. The number of new full-time jobs shall be certified by the commissioner of employment security to the commissioner of revenue. The commissioner of revenue shall have the authority to adjust the credit allowed

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each year for net new employment fluctuations above the minimum level of twenty-five (25). The credit provided for in this section only applies to new full-time employee jobs created prior to January 1, 1998.

(3) If the business enterprise is located in an economically distressed county, as defined by the Department of Economic Development, then the allowed credit provided in Section (2) shall be three thousand dollars (\$3,000).

(4) The sale, merger, acquisition, or bankruptcy of any business enterprise shall not create new eligibility in any succeeding business entity, but any unused job tax credit may be transferred and continued by any transferee of the business enterprise. The commissioner of revenue shall determine whether or not qualifying net increases or decreases have occurred and may require reports, conduct audits or hold hearings as needed for substantiation and qualification. These hearings shall not be considered to be an administrative remedy and shall not constitute a contested case subject to the provisions of the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5.

(5) Any credit claimed under this section but not used in any taxable year may be carried forward for five (5) years from the close of the taxable year in which the qualified jobs were established.

AND FURTHER AMEND by deleting the amendatory language of Section 2 in its entirety and substituting the following:

SECTION 2. This act shall take effect July 1, 1993, and apply to returns filed for corporate fiscal years beginning on or after July 15, 1993, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 2.

Rep. Kisber moved that House Bill No. 305, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd,

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Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood. Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**MESSAGE FROM SENATE
May 13, 1993**

MR. SPEAKER: I am directed to request the return of Senate Bill No. 1575, for further consideration.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

BILL RETURNED

The Clerk returned Senate Bill No. 1575 to the Senate, as requested.

**MESSAGE FROM THE SENATE
May 13, 1993**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution No. 320; amended, and concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE
May 13, 1993**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 926; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

REGULAR CALENDAR, CONTINUED

*House Bill No. 1128 -- Education, Higher -- Enacts "Tennessee Student Assistance Award Restoration Act". Amends TCA, Title 49, Ch. 4.

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Rep. Kisber moved that House Bill No. 1128 be passed on third and final consideration.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 1128 by deleting Section 6 in its entirety and substituting instead the following language:

SECTION 6. The Tennessee Student Assistance Award Restoration Bill shall be phased in over a four (4) year period to minimize its fiscal impact. A sum not to exceed one million two hundred fifty thousand dollars (\$1,250,000) shall be appropriated in 1993-94 fiscal year for the expressed purpose of increasing the maximum award. Additional sums shall be appropriated in 1994-95 and in 1995-96 fiscal years to raise the maximum award toward the amount targeted in Section 5 of this act. These appropriations will be offset by savings resulting from greater numbers of state residents enrolling at independent colleges and universities. The Tennessee Higher Education Commission shall study the impact of such savings and report the findings as part of the triennial study of independent institutions called for under SB 572/ HB 676.

AND FURTHER AMEND by redesignating Section 7 of the printed bill to be Section 8 and adding a new Section 7, as follows:

Section _____. Implementation of the provisions of this act shall be subject to the funding being provided in the general appropriations act.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 to Amendment No. 1, seconded by Rep. Kisber, as follows:

Amendment No. 1 to Amendment No. 1

Amend House Bill No. 1128 by deleting in its entirety the last sentence of Section 6.

Rep. Kisber requested that House Bill No. 1128 be moved down ten places on the Calendar.

House Bill No. 0804 -- County Officers -- Revises population bracket for subclass A and subclass B of counties of third class. Amends TCA, Title 8, Ch. 24.

Rep. Kisber moved that House Bill No. 804 be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1, seconded by Rep. Kisber, as follows:

2281 to amend:

Amendment No. 1

Amend House Bill No. 804 by deleting Sections 1 and 2 and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 8-24-101, is amended by deleting the section in its entirety and substituting instead the following:

8-24-101. (a) For the purpose of determining the compensation to be received by the various officers enumerated in Section 8-22-101, the counties are divided into classes according to population as determined by the latest federal census as follows:

(1) Counties having a population of four hundred thousand (400,000) or more shall constitute counties of the first class;

(2) Counties having a population of one hundred and fifty thousand (150,000) or more, but less than four hundred thousand (400,000), shall constitute counties of the second class;

(3) Counties having a population of one hundred thousand (100,000) or more, but less than one hundred and fifty thousand (150,000), shall constitute counties of the third class;

(4) Counties having a population of sixty thousand (60,000) or more, but less than one hundred thousand (100,000), shall constitute counties of the fourth class;

(5) Counties having a population of forty thousand (40,000) or more, but less than sixty thousand (60,000), shall constitute counties of the fifth class;

(6) Counties having a population of thirty thousand (30,000) or more, but less than forty thousand (40,000), shall constitute counties of the sixth class;

(7) Counties having a population of twenty thousand (20,000) or more, but less than thirty thousand (30,000), shall constitute counties of the seventh class;

(8) Counties having a population of ten thousand (10,000) or more, but less than twenty thousand (20,000), shall constitute counties of

the eighth class;

(9) Counties having a population of less than ten thousand (10,000) shall constitute counties of the ninth class.

SECTION 2. Tennessee Code Annotated, Section 8-24-102, is amended by deleting subsections (a), (c), (d), (e), (f), (g), (h), (i) and (j), and substituting instead the following and redesignating the remaining subsections accordingly:

(a) The officers enumerated in Section 8-22-101, shall receive compensation per year based on a percentage of the compensation received by state trial court judges and chancellors pursuant to Section 8-23-103 as follows, subject to the limitations and exceptions described below:

- | | |
|--------------------------------------|-----|
| (1) In counties of the first class | 90% |
| (2) In counties of the second class | 85% |
| (3) In counties of the third class | 65% |
| (4) In counties of the fourth class | 60% |
| (5) In counties of the fifth class | 55% |
| (6) In counties of the sixth class | 50% |
| (7) In counties of the seventh class | 45% |
| (8) In counties of the eighth class | 40% |
| (9) In counties of the ninth class | 35% |

Provided, however, that notwithstanding the above, no such officer shall receive an increase in compensation of less than six percent (6%), effective September 1, 1993, nor shall any such officer receive in any one fiscal year an increase in compensation of more than eight percent (8%). Notwithstanding any other law to the contrary, no such officer shall have his or her compensation reduced as a result of a change in county classification based on a decrease in population according to the 1990 federal census or any subsequent federal census. Provided, however, no increases in compensation shall be given pursuant to this section after July 1, 1996.

(b) Any increase in expenditure by a county resulting from an increase required by this section shall be appropriated from funds that the county receives from state government that are not earmarked

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by statute for a particular purpose.

SECTION 3. Tennessee Code Annotated, Section 8-24-104(b)(3) is redesignated as a new subsection of Section 8-24-102 and is amended by inserting "and the officers enumerated in Section 8-22-101" immediately following the words "assessor of property" in such subdivision.

SECTION 4. Except for the subdivision redesignated in Section 3 above, Tennessee Code Annotated, Section 8-24-104, is repealed.

SECTION 5. This act shall take effect on September 1, 1993, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 2 as follows:

Amendment No. 2

Amend House Bill No. 804 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 24, Part 1, is amended by adding the following as a new section:

(a) The compensation for each officer provided herein shall be raised, effective July 1, 1993, to an amount four percent (4%) greater than the compensation in effect on July 1, 1992, provided however, no such increase shall exceed two thousand dollars (\$2,000) annually.

(b) Effective July 1, 1994, all county officials whose compensation is determined by the provisions of this part shall receive a compensation increase equal to the average annualized percentage increase received generally by state employees during fiscal year 1993-94 pursuant to the terms of general compensation increases provided by the general appropriation act. On or before May 1, 1994, the commissioner of finance and administration shall certify to the comptroller of the treasury the percentage of such increase.

(c) Any increase in expenditure by a county resulting from an increase required by this section shall be appropriated from funds that the county receives from state government that are not earmarked by statute for a particular purpose.

SECTION 2. Tennessee Code Annotated, Title 8, Chapter 24, Part 1, is amended by adding the following as a new section:

(a) There is created a temporary commission to be known as the citizen commission on government officials compensation. The commission shall serve as an investigatory body for the purpose of studying the duties and responsibilities of the various county offices and how county size, location and population affect those duties and responsibilities, existing classifications and proposed classifications, and such other matters as may be directed by the speakers of the senate and the house.

(b) On or before February 1, 1995, the commission shall make recommendations to the general assembly as to what the commission believes to be the appropriate compensation for the county offices studied and how that compensation is affected by county size. The commission shall also recommend an appropriate mechanism, if any, for future salary increases based on the information received from the investigation.

(c) The commission shall consist of ten (10) members, five (5) of whom shall be appointed by the speaker of the senate and five (5) of whom shall be appointed by the speaker of the house. These ten (10) members shall be chosen from each of the three (3) grand divisions in a manner so as to achieve as equal a representation as possible. Membership shall include residents of urban as well as rural areas of the state. In making the appointments authorized herein, the speakers shall appoint citizens who have demonstrated integrity and are widely recognized as knowledgeable and successful in the areas of business and finance. Such appointees should have broadly based and demonstrated leadership, knowledge, and business or professional ability. No member of the commission shall be an elected municipal, county, or state official or an employee of state or local government, or an employee of any association of governments or government officials.

(d) The commission shall meet in Nashville at such times and places as it deems necessary.

(e) The commission shall elect one (1) member to serve as chair for the commission.

(f) The commission may establish such subcommittees as it may deem necessary for the performance of its duties.

(g) Members of the commission shall receive no compensation for their services, but shall be reimbursed for travel and other expenses actually incurred in the performance of their official duties. Such reimbursement shall be paid in accordance with the provisions of the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general and reporter.

(h) The office of local government within the office of the comptroller of the treasure and the county technical advisory service shall provide staff and such other assistance as may be necessary for the commission to fulfill its duties.

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Rep. Ramsey moved to adopt Amendment No. 3 as follows:

Amendment No. 3

Amend House Bill No. 804 by adding the following language at the end of subsection (a) of Section 1:

Provided, however, the provisions of this subsection shall not be implemented in any county until the county legislative body of such county by a two-thirds (2/3) vote approves such implementation.

Rep. West moved that Amendment No. 3 be tabled, which motion failed by the following vote:

Ayes	21
Noes	65
Present and not voting	5

Representatives voting aye were: Clark, Collier, Crain, DeBerry, Dixon, Givens, Hargrove, Head, Hillis, Jones R (Shelby), Kent, Kisber, Napier, Phillips, Rhinehart, Rigsby, Turner (Hamilton), Turner (Shelby), West, Wix, Mr. Speaker Naifeh -- 21.

Representatives voting no were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Brooks, Buck, Byrd, Callicott, Chumney, Coffey, Cole (Carter), Cole (Dyer), Cross, Davidson, Davis, Duer, Ferguson, Fisher, Garrett, Gunnels, Haley, Halteman Harwell, Hassell, Haun, Herron, Huskey, Johnson, Joyce, Kernell, Lewis, Liles, McDaniel, McKee, Meyer, Miller, Mires, Moore, Odom, Owenby, Peroulas Draper, Pinion, Purcell, Ramsey, Ridgeway, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson,

Tindell, Venable, Walley, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wood -- 65.

Representatives present and not voting were: Bragg, Brown, Fowlkes, Knight, Love -- 5.

Rep. Kisber moved that House Bill No. 804, as amended, be reset to the next available space to the Calendar for Tuesday, May 18, 1993, which motion prevailed.

MESSAGE FROM THE SENATE
May 13, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 590; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

PRESENT IN CHAMBER

Representative(s) Jackson was/were recorded as being present in the Chamber.

REGULAR CALENDAR, CONTINUED

House Bill No. 1537 -- Criminal Procedure -- Authorizes supreme court, attorney general, district attorneys general and district public defenders to employ, reassign or contract with individuals to provide prompt and fair adjudication of post-conviction proceedings in capital sentence cases. Amends TCA, Title 8, Chs. 6, 7, 14; Title 16, Ch. 3.

Rep. Purcell moved that House Bill No. 1537 be passed on third and final consideration.

Rep. Westmoreland moved the previous question, which motion prevailed.

House Bill No. 1537 was passed on third and final consideration by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent,

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Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 1532 -- Criminal Offenses -- Authorizes a sentence of life without possibility of parole for persons convicted of first degree murder. Amends TCA, Titles 37, 39--41.

Rep. Purcell moved that House Bill No. 1532 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1, seconded by Rep. Purcell, as follows:

Amendment No. 1

Amend House Bill No. 1532 by deleting all language following the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-13-202(b) is amended by deleting the subsection in its entirety and substituting instead the following:

(b) A person convicted of first degree murder shall be punished by:

(1) Death;

(2) Imprisonment for life without possibility of parole; or

(3) Imprisonment for life.

SECTION 2. Tennessee Code Annotated, Section 39-13-204(a) is amended by deleting the first sentence and substituting instead the following:

Upon a trial for first degree murder, should the jury find the defendant guilty of first degree murder, it shall not fix punishment as part of the verdict, but the jury shall fix the punishment in a separate sentencing hearing to determine whether he defendant shall be sentenced to death, to imprisonment for life without possibility of parole, or to imprisonment for life.

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SECTION 3. Tennessee Code Annotated, Section 40-35-501, is amended by deleting subsection (g) in its entirety and substituting instead the following:

(g)(1) Release eligibility for each defendant receiving a sentence of imprisonment for life for first degree murder shall occur after service of sixty percent (60%) of sixty (60) years less sentence credits earned and retained by the defendant, but in no event shall a defendant sentenced to imprisonment for life be eligible for parole until the defendant has served a minimum of twenty-five (25) full calendar years of such sentence, notwithstanding the governor's power to reduce prison overcrowding pursuant to Tennessee Code Annotated, Title 41, Chapter 1, Part 5, or any sentence reduction credits authorized by Tennessee Code Annotated, Section 41-21-236, or any other provision of law relating to sentence credits. A defendant receiving a sentence of imprisonment for life for first degree murder shall be entitled to earn and retain such sentence credits, but such credits shall not operate to make such defendant eligible for release prior to the service of twenty-five (25) full calendar years.

(2) There shall be no release eligibility for a defendant receiving a sentence of imprisonment for life without possibility of parole for first degree murder.

SECTION 4. Tennessee Code annotated, Section 39-13-204(e) is amended by adding the following at the end of the subsection:

The trial judge shall provide the jury three (3) separate verdict forms, as specified by Tennessee Code Annotated, Sections 39-13-204(f)(1), 39-13-204(f)(2), and 39-13-204(g)(2)(B). The jury shall be instructed that a defendant who receives a sentence of imprisonment for life shall not be eligible for parole consideration until the defendant has served at least twenty-five (25) full calendar years of such sentence. The jury shall also be instructed that a defendant who receives a sentence of imprisonment for life without possibility of parole shall never be eligible for release on parole.

SECTION 5. Tennessee Code Annotated, Section 39-13-204(f) is amended by deleting the subsection in its entirety and by substituting instead the following:

(f)(1) If the jury unanimously determines that no statutory aggravating circumstance has been proven by the state beyond a reasonable doubt, the sentence shall be imprisonment for life. The jury shall then

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return its verdict to the judge upon a form provided by the court which may appear substantially as follows:

PUNISHMENT OF IMPRISONMENT FOR LIFE

We, the jury, unanimously determine that no statutory aggravating circumstance has been proven by the state beyond a reasonable doubt. We, the jury, therefore find that the sentence shall be imprisonment for life.

/s/ _____
Jury Foreman
/s/ _____
Juror
/s/ _____
Juror
/s/ _____
Juror
/s/ _____
Juror
/s/ _____
Juror

/s/ _____
Juror
/s/ _____
Juror
/s/ _____
Juror
/s/ _____
Juror
/s/ _____
Juror
/s/ _____
Juror

(f)(2) If the jury unanimously determines that a statutory aggravating circumstance or circumstances have been proven by the state beyond a reasonable doubt, but that such circumstance or circumstances have not been proven by the state to outweigh any mitigating circumstance or circumstances beyond a reasonable doubt, the jury shall, in its considered discretion, sentence the defendant either to imprisonment for life without possibility of parole or imprisonment for life. The trial judge shall instruct the jury that, in choosing between the sentences of imprisonment for life without possibility of parole or imprisonment for life, the jury shall weigh and consider the statutory aggravating circumstance or circumstances proven by the state beyond a reasonable doubt and any mitigating circumstance or circumstances. In its verdict, the jury shall specify the statutory aggravating circumstance or circumstances proven by the state beyond a reasonable doubt and shall return its verdict to the judge upon a form provided by the court which may appear substantially as follows:

PUNISHMENT OF IMPRISONMENT FOR LIFE WITHOUT
POSSIBILITY OF PAROLE OR IMPRISONMENT FOR LIFE

We, the jury, unanimously find that the state has proven the following listed statutory aggravating circumstance or circumstances beyond a reasonable doubt:

(Here list the statutory aggravating circumstance or circumstances so found.)

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We, the jury, unanimously find that such statutory aggravating circumstance or circumstances do not outweigh any mitigating circumstance or circumstances beyond a reasonable doubt, therefore:

CHECK ONE (1) BOX ONLY

☐ We, the jury, unanimously agree that the defendant shall be sentenced to imprisonment for life without possibility of parole; or

☐ We, the jury, unanimously agree that the defendant shall be sentenced to imprisonment for life.

/s/ _____
Jury Foreperson

/s/ _____
Juror

/s/ _____
Juror

/s/ _____
Juror

/s/ _____
Juror

/s/ _____
Juror

/s/ _____
Juror

/s/ _____
Juror

/s/ _____
Juror

/s/ _____
Juror

/s/ _____
Juror

/s/ _____
Juror

SECTION 6. Tennessee Code Annotated, Section 39-13-204, is amended by deleting subsection (h) in its entirety and by substituting the following:

(h) If the jury cannot ultimately agree on punishment, the trial judge shall inquire of the foreman of the jury whether the jury is divided over imposing a sentence of death. If the jury is divided over imposing a sentence of death, the judge shall instruct the jury that in further deliberations, the jury shall only consider the sentences of imprisonment for life without possibility of parole and imprisonment for life. If, after further deliberations, the jury still cannot agree as to sentence, the trial judge shall dismiss the jury and such judge shall impose a sentence of imprisonment for life. The judge shall not instruct the jury, nor shall the attorneys be permitted to comment at any time to the jury, on the effect of the jury's failure to agree on a punishment.

SECTION 7. Tennessee Code Annotated, Title 39, Chapter 13, Part 2, is amended by adding the following new section to be designated as Section 39-13-207:

(a) In any first degree murder case in which the state does not seek the death penalty but is seeking imprisonment for life without possibility of parole as

the maximum punishment, should the jury find the defendant guilty of first degree murder, the jury shall fix the punishment in a separate sentencing proceeding to determine whether the defendant shall be sentenced to imprisonment for life without possibility of parole or imprisonment for life. Such sentencing proceeding shall be conducted in accordance with the provisions of Tennessee Code Annotated, Section 39-13-204, excluding references to the death penalty.

(b) If the jury unanimously determines that no statutory aggravating circumstance or circumstances have been proven by the state beyond a reasonable doubt as set forth in Tennessee Code Annotated, Section 39-13-204(i), the jury shall return its verdict to the judge on the form described in Tennessee Code Annotated, Section 39-13-204(f)(1), and the court shall sentence the defendant to imprisonment for life.

(c) If the jury unanimously determines that the state has proven beyond a reasonable doubt one or more of the statutory aggravating circumstances set forth in Tennessee Code Annotated, section 39-13-204(i), the jury shall, in its considered discretion, sentence the defendant either to imprisonment for life without possibility of parole or imprisonment for life.

(d) The jury shall be instructed that, in imposing sentence, it shall weigh and consider the statutory aggravating circumstance or circumstances proven by the state beyond a reasonable doubt and any mitigating circumstance or circumstances.

(e) The jury shall then return its verdict to the judge upon a form provided by the court which may appear substantially as follows:

**PUNISHMENT OF IMPRISONMENT FOR LIFE WITHOUT
POSSIBILITY OF PAROLE OR IMPRISONMENT FOR LIFE**

We, the jury, unanimously find that the state has proven the following listed statutory aggravating circumstance or circumstances beyond a reasonable doubt:

(Here list the statutory aggravating circumstance or circumstances so found)

CHECK ONE (1) BOX ONLY

[] We, the jury, unanimously agree that the defendant shall be sentenced to imprisonment for life without possibility of parole; or

[] We, the jury, unanimously agree that the defendant shall be

sentenced to imprisonment for life.

/s/ _____	/s/ _____
Jury Foreperson	Juror
/s/ _____	/s/ _____
Juror	Juror
/s/ _____	/s/ _____
Juror	Juror
/s/ _____	/s/ _____
Juror	Juror
/s/ _____	/s/ _____
Juror	Juror
/s/ _____	/s/ _____
Juror	Juror

(f) If the jury cannot ultimately agree as to punishment, the judge shall dismiss the jury and the judge shall impose a sentence of imprisonment for life. The judge shall not instruct the jury, nor shall the attorneys be permitted to comment at any time to the jury, on the effect of the jury's failure to agree on a punishment.

(g) When a defendant has been sentenced to imprisonment for life without possibility of parole, such defendant may appeal such sentence to the Tennessee court of criminal appeals. The court of criminal appeals shall first consider any errors assigned and then the court shall review the appropriateness of the sentence. A sentence of imprisonment for life without possibility of parole shall be considered appropriate if the state proved beyond a reasonable doubt at least one (1) statutory aggravating circumstance contained in Tennessee Code Annotated, Section 39-13-204(i), and the sentence was not otherwise imposed arbitrarily, so as to constitute a gross abuse of the jury's discretion.

SECTION 8. Tennessee Code Annotated, Title 39, Chapter 13, Part 2, is amended by adding the following new section to be designated as 39-13-208:

(a) Written notice that the state intends to seek the death penalty filed pursuant to Rule 12.3(b) of the Tennessee Rules of Criminal Procedure shall constitute notice that the state also intends to seek as a possible punishment a sentence of imprisonment for life without possibility of parole.

(b) Where a capital offense is charged in the indictment or presentment and the district attorney intends to ask for the sentence of imprisonment for life without possibility of parole, written notice thereof shall be filed not less than thirty (30) days prior to trial. If the notice is filed later than

this time, the trial judge shall grant the defendant, upon his or her motion, a reasonable continuance of the trial. The notice shall specify that the state intends to seek the sentence of imprisonment for life without possibility of parole and the notice shall specify the aggravating circumstance or circumstances the state intends to rely upon at a sentencing hearing. Specification may be complied with by a reference to the citation of the circumstance or circumstances. Such notice shall be in writing and filed with the court and served on counsel.

(c) If notice is not filed pursuant to subsections (a) or (b) of this section, the defendant shall be sentenced to imprisonment for life by the court if the defendant is found guilty of murder in the first degree.

(d) The defendant and the state of Tennessee may enter into a plea agreement whereby the defendant is sentenced to imprisonment for life without possibility of parole pursuant to the provisions of Rule 11 of the Tennessee Rules of Criminal Procedure.

SECTION 9. Tennessee Code Annotated, Section 40-35-501(a)(2) is amended by deleting the words "Only inmates" and substituting instead the words "Except for inmates who receive sentences of imprisonment for life without possibility of parole, only inmates".

SECTION 10. Tennessee Code Annotated, Section 39-13-203, is amended by deleting subsection (d) and substituting instead the following:

(d) If the court determines that the defendant was a person with mental retardation at the time of the offense, if the trier of fact finds the defendant guilty of first degree murder, and if the district attorney has filed notice of intention to ask for the sentence of imprisonment for life without possibility of parole as provided in Tennessee Code Annotated, Section 39-13-208(b), the jury shall fix the punishment in a separate sentencing proceeding to determine whether the defendant shall be sentenced to imprisonment for life without possibility of parole or imprisonment for life. The provisions of Tennessee Code Annotated, Section 39-13-207, shall govern such sentencing proceeding.

SECTION 11. Tennessee Code Annotated, Section 39-13-206, is amended by deleting subsection (d)(2) and substituting instead the following:

(2) Modify the punishment to imprisonment for life without possibility of parole or imprisonment for life.

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SECTION 12. Tennessee Code Annotated, Section 39-13-206, is further amended by deleting from subsection (e) the words "shall sentence such person to life imprisonment" and substituting instead the following:

shall, following a sentencing hearing conducted in accordance with Tennessee Code Annotated, Section 39-13-207, sentence such person to imprisonment for life without possibility of parole or imprisonment for life.

SECTION 13. Tennessee Code Annotated, Section 39-13-204, is amended by deleting the words "death penalty" from the first sentence of subsection (i) and substituting instead the words "death penalty or sentence of imprisonment for life without possibility of parole".

SECTION 14. Tennessee Code Annotated, Section 39-13-204, is further amended by deleting the final sentence of subsection (k) and substituting instead the following:

If the trial court, or any other court with jurisdiction to do so, orders that a defendant convicted of first degree murder (whether the sentence is death, imprisonment for life without possibility of parole or imprisonment for life) be granted a new trial, either as to guilt or punishment or both, the new trial shall include the possible punishments of death, imprisonment for life without possibility of parole or imprisonment for life.

SECTION 15. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 16. This act shall take effect on July 1, 1993, the public welfare requiring it, and shall apply to all offenses committed on or after that date.

Rep. Arriola moved the previous question, which motion prevailed.

On motion, Amendment No. 1 was adopted.

Rep. Purcell moved that House Bill No. 1532, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 1505 -- Pensions and Retirement Benefits --
Revises formula for determining average final compensation. Amends TCA 8-34-106.

Rep. Rhinehart moved that House Bill No. 1505 be passed on third and final consideration.

Rep. Rhinehart moved adoption Council on Pensions and Insurance Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 1505 by deleting the amendatory and directory language of Section 1 in its entirety and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 8-34-106(b)(1), is amended by deleting the figure "1993" and by substituting instead the figure "1994".

On motion, Amendment No. 1 was adopted.

Rep. Rhinehart moved that House Bill No. 1505, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	84
Noes.	5
Present and not voting.	3

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Halteman Harwell, Hargrove, Hassell, Haun,

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Head, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Peroulas Draper, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 84.

Representatives voting no were: Bragg, Haley, Herron, Liles, Pinion -- 5.

Representatives present and not voting were: Odom, Owenby, Ritchie -- 3.

A motion to reconsider was tabled.

House Bill No. 0325 -- Solid Waste Disposal -- Requires approval of adjoining county if any solid waste processing or disposal facility is located within one mile of such county's border. Amends TCA 68-211-105.

On motion, House Bill No. 325 was made to conform with Senate Bill No. 222; the Senate Bill was substituted for the House Bill.

Rep. Rhinehart moved that Senate Bill No. 222 be passed on third and final consideration.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 1.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 2, seconded by Rep. Rhinehart, as follows:

Amendment No. 2

Amend Senate Bill No. 222 by adding the following language at the end of the amendatory language of Section 1:

Provided, however, if a landfill located within one (1) mile of the boundary of an adjoining county is in existence on the effective date of this act, the governing body of such adjoining county shall have no veto or authority to interfere with the expansion of such existing landfill so long as such landfill does not expand into such adjoining county.

On motion, Amendment No. 2 was adopted.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 3, seconded by Rep. Rhinehart, as follows:

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Amendment No. 3

Amend Senate Bill No. 222 by adding the following as a new section to precede the effective date section:

The provisions of the original Section 1 of this act shall apply only to counties located in the Southeast Tennessee Development District.

On motion, Amendment No. 3 was adopted.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 2 as House Amendment No. 4, seconded by Rep. Rhinehart, as follows:

Amendment No. 4

Amend Senate Bill No. 222 by adding the following new section immediately before the effective date section and by redesignating the effective date section accordingly:

Section ____.

(a) Tennessee Code Annotated, Section 68-211-814(a)(1), is amended in the first sentence by deleting the language "December 31, 1993" and by substituting instead the language "July 1, 1994".

(b) Tennessee Code Annotated, Section 68-211-814(a)(2), is amended by deleting the language "1993" and by substituting instead the language "1994".

On motion, Amendment No. 4 was adopted.

Rep. Rhinehart moved that Senate Bill No. 222, as amended, be passed on third and final consideration.

Rep. Severance moved the previous question, which motion prevailed.

Senate Bill No. 222, as amended, passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	91
Noes.	1
Present and not voting.	5

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Halteman Harwell, Hargrove, Hassell, Haun,

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Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Wix, Wood, Mr. Speaker Naifeh -- 90.

Representatives voting no were: Duer -- 1.

Representatives present and not voting were: Boyer, Haley, Joyce, Windle, Winningham -- 5.

A motion to reconsider was tabled.

CHAIR TO SPEAKER PRO TEMPORE

Mr. Speaker Naifeh relinquished the Chair to Rep. Rinks, as Speaker pro tempore.

REGULAR CALENDAR, CONTINUED

*House Joint Resolution No. 0236 -- Memorials, Government Officials -- Requests department of finance and administration to commence negotiations with federal office of surface mining to obtain primacy for regulation of surface mining.

Rep. Rhinehart moved that House Joint Resolution No. 236 be adopted.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Joint Resolution No. 236 by deleting the caption in its entirety and by substituting instead the following:

A Resolution to provide for a study of the feasibility of the state of Tennessee obtaining primacy for the regulation of surface mining.

AND FURTHER AMEND by deleting the language "commence negotiations with the federal office of surface mining for the state of Tennessee to obtain primacy for the regulation of surface mining" and by substituting instead the language "study the feasibility of the state of Tennessee obtaining primacy for the regulation of surface mining".

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On motion, Amendment No. 1 was adopted.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 2 as follows:

Amendment No. 2

Amend House Joint Resolution No. 236 by deleting the language "the department of finance and administration is" in the first resolving clause and by substituting instead the language "the department of finance and administration and the department of environment and conservation are"

AND FURTHER AMEND by deleting the word "administration" in the last resolving clause and by substituting instead the words "administration and to Commissioner Luna of the department of environment and conservation".

On motion, Amendment No. 2 was adopted.

Rep. Rhinehart moved that House Joint Resolution No. 236, as amended, be adopted, which motion prevailed.

A motion to reconsider was tabled.

*House Bill No. 0326 -- Taxes, Real Property -- Increases eligible income level from \$6,000 to \$12,500 for property tax relief. Amends TCA, Title 67, Ch. 5, Pt. 7.

Rep. Rhinehart moved that House Bill No. 326 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 326 is amended by deleting from the amendatory language of Section 1 of the printed bill the language "twelve thousand five hundred dollars (\$12,500)" and by substituting instead the language "ten thousand dollars (\$10,000)".

AND FURTHER AMEND by deleting from the amendatory language of Section 2 of the printed bill the language "twelve thousand five hundred dollars (\$12,500)" and by substituting instead the language "ten thousand dollars (\$10,000)".

On motion, Amendment No. 1 was adopted.

Rep. Rhinehart moved that House Bill No. 326, as amended, be passed on third and final consideration.

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Rep. Haun moved the previous question, which motion prevailed.

Rep. moved that House Bill No. 326, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***House Bill No. 0355 -- Pensions and Retirement Benefits --**
Establishes creditable service in and assumption of employee contributions to TCRS on behalf of all attorneys general. Amends TCA 8-34-206; Title 8, Ch. 34, Pt. 6, 8-37-202.

Rep. Rhinehart moved that House Bill No. 355 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Council on Pensions and Insurance Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 355 by adding the following as a new Section 2 and by redesignating the subsequent sections accordingly:

SECTION 2. Tennessee Code Annotated, Title 8, Chapter 34, Part 6, is further amended by adding the following new section:

Notwithstanding Section 8-35-109 or any other law to the contrary, membership in the retirement system shall be mandatory for any person employed on or after July 1, 1993, as an attorney general in the office of the attorney general and reporter.

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On motion, Amendment No. 1 was adopted.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2, as follows:

Amendment No. 2

Amend House Bill No. 355 by deleting from the amendatory language of SECTION 1 of the original bill the words "effective date of this act" and by substituting instead the words "date the state assumed employee contributions on behalf of such attorneys general".

Further amend by deleting the amendatory language of SECTION 2 of the original bill in its entirety and by substituting instead the following:

(6) Beginning on the first day on which the salary levels for general state employees are increased, the state of Tennessee shall assume employee contributions of up to five percent (5%) of the employees' earnable compensation of attorneys general employed in the office of the attorney general and reporter. The contribution assumption provided in this subdivision shall be in lieu of the salary increase to which such attorneys general would have otherwise been entitled.

Further amend by deleting from the amendatory language of SECTION 3 of the original bill the word and figures "June 1, 1993" and by substituting instead the words "the date the state assumed employee contributions on behalf of attorneys general employed in the office of the attorney general and reporter".

On motion, Amendment No. 2 was adopted.

Rep. Rhinehart moved that House Bill No. 355, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	92
Noes.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Robinson, Severance, Stamps, Stockburger, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland,

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Whitson, Williams (Shelby), Williams (Union), Williams (Williamson),
Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 92.

Representatives voting no were: Shirley -- 1.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to Rule No. 31, the following member(s) desire to
change their original stand from not voting to aye on House Bill No.
355 and have this statement entered in the Journal: Rep(s). Stulce.

REGULAR CALENDAR, CONTINUED

House Bill No. 1550 -- Municipal Government -- Authorizes
certain elected municipal employees to be reimbursed from municipal
funds for actual expenses in certain circumstances. Amends TCA,
Title 6, Ch. 54.

On motion, House Bill No. 1550 was made to conform with Senate
Bill No. 739; the Senate Bill was substituted for the House Bill.

Rep. Bragg moved that Senate Bill No. 739 be passed on third and
final consideration.

On motion, Rep. Love withdrew State and Local Government
Committee Amendment No. 1.

Rep. Bragg moved that Amendment No. 2 be withdrawn, which motion
prevailed.

Rep. Bragg moved that Senate Bill No. 739 be passed on third and
final consideration, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong,
Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd,
Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer),
Collier, Crain, Gross, Davidson, Davis, DeBerry, Dixon, Duer,
Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman,
Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey,
Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent,
Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel,
McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas,
Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart,
Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley,
Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton),
Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson,
Williams (Shelby), Williams (Union), Williams (Williamson), Windle,
Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

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A motion to reconsider was tabled.

*House Bill No. 1128 -- Education, Higher -- Enacts "Tennessee Student Assistance Award Restoration Act". Amends TCA, Title 49, Ch. 4.

Further consideration of House Bill No. 1128, previously considered on today's Calendar.

Rep. Kisber moved that House Bill No. 1128 be passed on third and final consideration.

Rep. Kisber renewed the motion to adopt Amendment No. 1 to Amendment No. 1, which motion prevailed.

On motion, Amendment No. 1, as amended, was adopted.

Rep. Kisber moved that House Bill No. 1128, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Wittingham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 0283 -- Salaries and Benefits -- Permits full time persons employed for at least 12 months instead of present 45 months who work 1,450 hours or more in fiscal year to participate in state group health insurance plan. Amends TCA, Title 8, Ch. 27, Pt. 2.

Rep. Tindell moved that House Bill No. 283 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

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Amendment No. 1

Amend House Bill No. 283 is amended by deleting from the amendatory language in Section 1 of the printed bill the language "twelve (12) months" and by substituting instead the language "twenty-four (24) months".

On motion, Amendment No. 1 was adopted.

Rep. Tindell moved that House Bill No. 283, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

House Bill No. 1509 -- Process, Service of -- Authorizes county clerks to appoint persons to serve process when petitioned by local attorneys; provides for manner of appointment and duties of process servers. Amends TCA 8-8-108.

On motion, House Bill No. 1509 was made to conform with Senate Bill No. 481; the Senate Bill was substituted for the House Bill.

Rep. Williams (Shelby) moved that Senate Bill No. 481 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No.

1.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No.

2.

Rep. Williams (Shelby) moved that Senate Bill No. 481 be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes	95
Noes	0
Present and not voting	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, W. Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Joyce, Lewis -- 2.

A motion to reconsider was tabled.

House Bill No. 1629 -- Election Laws -- Revises election notice requirements in Lakewood upon two-thirds approval of county legislative body of Davidson County. Amends TCA, Title 2, Ch. 1.

On motion, House Bill No. 1629 was made to conform with Senate Bill No. 1616; the Senate Bill was substituted for the House Bill.

Rep. West moved that Senate Bill No. 1616 be passed on third and final consideration.

Rep. West moved to adopt Amendment No. 1 as follows:

Amendment No. 1

Amend Senate Bill No. 1616 by deleting in Section 1 the language and punctuation " upon approval by a two-thirds (2/3) vote of the county legislative body of any county to which this act applies".

On motion, Amendment No. 1 was adopted.

Rep. West moved that Senate Bill No. 1616, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Allen, Anderson, Armstrong,

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Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowikes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 1407 -- Taxes, Sales -- Removes from sales tax exemption material and equipment owned or operated by authority organized pursuant to Rural Electric and Community Services Cooperative Act. Amends TCA, Title 67, Ch. 6.

Rep. Head moved that House Bill No. 1407 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 1407 by deleting all language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-6-209 is amended by adding a new subsection as follows:

There is exempt from the tax imposed by this section or any other provision of this chapter pipes, fittings and materials used to repair or maintain a water utility system owned by a utility district created pursuant to Chapter 82 of Title 7 of Tennessee Code Annotated. This exemption applies only to pipes, fittings, and materials which become an integral part of the water utility system. This exemption shall not apply to any installation of pipes, fittings or materials for any reason other than repair or maintenance of an existing system.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

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Rep. Head moved that House Bill No. 1407, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	88
Noes.	4
Present and not voting.	2

Representatives voting aye were: Allen, Anderson, Armstrong, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duér, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hillis, Huskey, Jackson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson, Severance, Shirley, Stamps, Stulce, Thompson, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 88.

Representatives voting no were: Arriola, Johnson, Ritchie, Stockburger -- 4.

Representatives present and not voting were: Haley, Tindell -- 2.

A motion to reconsider was tabled.

House Bill No. 1420 -- Limitation of Actions -- Provides for no time limit on actions against sellers or manufacturers of silicone breast implants. Amends TCA 29-28-103.

On motion, House Bill No. 1420 was made to conform with Senate Bill No. 196; the Senate Bill was substituted for the House Bill.

Rep. Williams (Shelby) moved that Senate Bill No. 196 be passed on third and final consideration.

Rep. Dixon moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

Amend Senate Bill No. 196 by deleting in its entirety all the language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 29-28-103(b), is amended by deleting the period at the end of the subsection and adding the following:

or to the human implantation of silicone gel breast implants.

SECTION 2. Tennessee Code Annotated. Section 29-28-103, is amended by adding the following language as a new subsection (c):

(1) Any action against a manufacturer or seller for injury to a person caused by a silicone gel breast implant must be brought within a period not to exceed twenty-five (25) years from the date such product was implanted. Provided, however, such action must be brought within four (4) years from the date the plaintiff knew or should have known of the injury.

(2) For purposes of this act only, "seller" shall not include a hospital or other medical facility where the procedure took place, nor shall it include the physician or other medical personnel involved in the procedure.

(3) The provisions of this act shall only apply to causes of action not pending or decided on or before the effective date of this act.

SECTION 3. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

Rep. Haun moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Haun moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Williams (Shelby) moved to adopt Amendment No. 4 as follows:

Amendment No. 4

Amend Senate Bill No. 196 by adding the following new sentence to 29-28-103 new subsection (c), item (3):

For the purposes of this act, a pending case shall be defined as a case actually filed by a silicone gel-filled breast implant recipient.

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On motion, Amendment No. 4 was adopted.

Rep. Williams (Shelby) moved that Senate Bill No. 196, as amended, be passed on third and final consideration.

Rep. Buck moved the previous question, which motion prevailed.

Senate Bill No. 196 as amended, passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Shirley -- 1.

A motion to reconsider was tabled.

House Bill No. 0785 -- Education, Higher -- Permits governing bodies of colleges and universities to award contracts for vending operations in self-supported housing facilities to any third party provider. Amends TCA, Title 49, Chs. 8, 9; Title 71, Ch. 4, Pt. 5.

On motion, House Bill No. 785 was made to conform with Senate Bill No. 286; the Senate Bill was substituted for the House Bill.

Rep. Williams (Shelby) moved that Senate Bill No. 286 be passed on third and final consideration.

On motion, Rep. Davidson withdrew Education Committee Amendment No. 1.

Rep. Williams (Shelby) moved that Senate Bill No. 286 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

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Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 0708 -- Appropriations -- Appropriates \$95,000 to ECDC office of business enterprise to fund Southern Cooperative Development Fund.

Rep. R. Jones moved that House Bill No. 708 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	81
Noes	1
Present and not voting	7

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Halteman, Harwell, Hargrove, Hassell, Haun, Herron, Hillis, Jackson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, Kisber, Knight, Lewis, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Stamps, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 81.

Representatives voting no were: Allen -- 1.

Representatives present and not voting were: Haley, Joyce, Liles, Pinion, Shirley, Venable, Williams (Union) -- 7.

A motion to reconsider was tabled.

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REQUEST TO CHANGE VOTE

Pursuant to Rule No. 31, the following member(s) desire to change their original stand from not voting to no on House Bill No. 708 and have this statement entered in the Journal: Rep(s). Arriola

MESSAGE FROM THE SENATE

May 13, 1993

MR SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1143; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENGROSSED BILLS

May 13, 1993

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 800, 1207 and 1412.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 13, 1993

MR SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1207; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MOTION TO RECESS

On motion of Rep. Purcell, the House recessed until 12:15 p.m.

RECESS EXPIRED

The recess having expired, the House was called to order by Mr. Speaker Naifeh.

On motion of Rep. Purcell, the roll call was dispensed with.

REGULAR CALENDAR, CONTINUED

*House Bill No. 0290 -- Race Relations -- Directs comptroller to serve as lead state agency for monitoring state compliance with Title VI of the 1964 Civil Rights Act, 42 U.S.C. 2000d, et seq.;

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directs inclusion of Title VI compliance evaluation in sunset audits published by comptroller.

Rep. Brooks moved that House Bill No. 290 be passed on third and final consideration.

Rep. R. Jones moved adoption of State and Local Government Committee Amendment No. 1, seconded by Rep. Brooks, as follows:

Amendment No. 1

Amend House Bill No. 290 by deleting the amendatory language of Section 1 and by substituting instead the following:

The department of audit shall serve as the lead agency of state government in monitoring compliance by state governmental entities with the requirements of Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d, et seq., and all applicable regulations promulgated pursuant thereto.

AND FURTHER AMEND By deleting Sections 2, 3, and 4 and by substituting instead the following:

SECTION 2. Each state governmental entity subject to the requirements of Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d, et seq., and regulations promulgated pursuant thereto, shall develop a Title VI implementation plan with participation by protected beneficiaries. Each such state governmental entity, and any subrecipients of the entity who are also subject to Title VI requirements, shall submit annual Title VI compliance reports and implementation plan updates to the department of audit for review. At least once each year, the department shall publish a cumulative report of its findings and recommendations concerning Title VI compliance. The cumulative annual report shall be distributed to the governor, to each member of the general assembly, and to each library designated as a depository of state reports and documents.

SECTION 3. Prior to January 1, 1994, the department of audit shall:

(1) identify specific criteria to be used in conducting Title VI compliance reviews required by Section 2 of this act; and

(2) undertake appropriate actions to inform state governmental entities, and their subrecipients, regarding Title VI implementation plans, compliance reports, implementation updates, and compliance reviews.

SECTION 4. Section 3 of this act shall take effect on

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becoming a law, the public welfare requiring it; all other sections of this act shall take effect on January 1, 1994.

On motion, Amendment No. 1 was adopted.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2, seconded by Rep. Brooks, as follows:

Amendment No. 2

Amend House Bill No. 290 by deleting Sections 1, 2, 3, and 4 and by substituting instead the following:

Section 1. Each state governmental entity subject to the requirements of Title VI of the Civil Rights Act of 1964, 42 U.S.C. subsection 2000d, et seq., and regulations promulgated pursuant thereto, shall develop a Title VI implementation plan with participation by protected beneficiaries as may be required by such law or regulations. To the extent applicable, such plan shall include Title VI implementation plans of any subrecipients of federal funds through the state entity. Each such state governmental entity shall submit annual Title VI compliance reports and implementation plan updates to the department of audit by June 30, 1994, and each June 30 thereafter. At least once each year, the department shall publish a cumulative report of its findings and recommendations concerning compliance with the requirements of this section. The cumulative annual report shall be distributed to the governor, to each member of the general assembly, and to each library designated as a depository of state reports and documents.

It is the legislative intent that any increased costs incurred by state entities as a result of the provisions of this section shall, to the extent legally available, be paid from federal funds available therefor.

Section 2. Prior to January 1, 1994, the comptroller of the treasury shall undertake a study to determine what special actions should be taken by state entities to implement the requirements of Title VI and regulations promulgated pursuant to Title VI.

Section 3. Section 2 of this act shall take effect upon becoming a law, the public welfare requiring it; all other sections of this act shall take effect on January 1, 1994.

On motion, Amendment No. 2 was adopted.

Rep. Brooks moved that Amendment No. 3 be withdrawn, which motion prevailed.

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Rep. Brooks moved that Amendment No. 4 be withdrawn, which motion prevailed.

Rep. Brooks moved that House Bill No. 290, as amended, be passed on third and final consideration.

Rep. Miller moved the previous question, which motion prevailed.

Rep. moved that House Bill No. 290, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 93
Noes..... 0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowkes, Garrett, Givens, Gunnels, Halteman, Harwell, Hargrove, Hassell, Haun, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Plinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

House Bill No. 1500 -- Bond Issues -- Authorizes \$20 million bond issue to department of environment and conservation for 18 hole golf courses at Chickasaw, Rock Island and Cumberland Mountain State Parks.

Rep. Walley moved that House Bill No. 1500 be passed on third and final consideration.

Rep. Hillis moved adoption of Conservation and Environment Committee Amendment No. 1, seconded by Rep. Walley, as follows:

Amendment No. 1

Amend House Bill No. 1500 by deleting Section 4 in its entirety and substituting instead the following:

SECTION 4. The proceeds of bonds (and bond anticipation notes) issued under the authority of this act shall be allocated to the department of environment and conservation to be allocated and expended for the purpose of acquiring real estate, preparing, developing,

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constructing and equipping golf courses on state properties. The department, in consultation with the state building commission, shall solicit proposals from parties interested in constructing or operating a golf course. Such proposals shall include sufficient information to allow the department to assess the feasibility of such project. The department, in consultation with the state building commission, shall review the proposals to determine whether it is reasonable to expect the golf course under consideration to generate revenues sufficient to cover the costs of operation and maintenance, including anticipated debt service on bonds authorized herein.

AND FURTHER AMEND by deleting in its entirety the last sentence in Section 5 of the bill.

On motion, Amendment No. 1 was adopted.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2, seconded by Rep. Walley, as follows:

Amendment No. 2

Amend House Bill No. 1500 by inserting in Section 4 of the bill, as amended, the word "new" before the words "golf course" and the words "golf courses" wherever they may be found.

On motion, Amendment No. 2 was adopted.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 2 as House Amendment No. 3, as follows:

Amendment No. 3

Amend House Bill No. 1500 by adding the following as a new section immediately preceding the effective date section and by renumbering the effective date section accordingly:

Section ____ Implementation of the provisions of this act shall be subject to the funding being provided in the general appropriations act.

On motion, Amendment No. 3 was adopted.

Rep. Walley moved that House Bill No. 1500, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	74
Noes.	15
Present and not voting.	7

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Representatives voting aye were: Allen, Armstrong, Bell, Bittle, Boyer, Byrd, Callicott, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Hargrove, Hassell, Head, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Rhinehart, Ridgeway, Rigsby, Rinks, Severance, Shirley, Stulce, Thompson, Turner (Hamilton), Turner (Shelby), Walley, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Mr. Speaker Naifeh -- 74.

Representatives voting no were: Anderson, Arriola, Bragg, Haley, Halteman Harwell, Haun, Herron, Meyer, Purcell, Ramsey, Robinson, Stamps, Stockburger, West, Wood -- 15.

Representatives present and not voting were: Brooks, Brown, Buck, Ritchie, Tindell, Venable, Williams (Williamson) -- 7.

A motion to reconsider was tabled.

House Bill No. 1230 -- Correctional Programs -- Enacts "Victim-Offender Mediation Center Act of 1993"; appropriates funds.

On motion, House Bill No. 1230 was made to conform with Senate Bill No. 246; the Senate Bill was substituted for the House Bill.

Rep. Duer moved that Senate Bill No. 246 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

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REQUEST TO CHANGE VOTE

Pursuant to Rule No. 31, the following member(s) desire to change their original stand from not voting to aye on Senate Bill No. 246 and have this statement entered in the Journal: Rep(s): Halteman Harwell.

REGULAR CALENDAR, CONTINUED

House Bill No. 0463 -- Highways, Roads and Bridges -- Enacts "Bicentennial Beautification Act of 1993".

On motion, House Bill No. 463 was made to conform with Senate Bill No. 55; the Senate Bill was substituted for the House Bill.

Rep. Duer moved that Senate Bill No. 55 be passed on third and final consideration.

On motion, Rep. Robinson withdrew Transportation Committee Amendment No. 1.

Rep. Duer moved to adopt Amendment No. 2 as follows:

Amendment No. 2

Amend Senate Bill No. 55 by deleting the language "as well as the planting of trees in urban areas" in Section 2(1).

AND FURTHER AMEND by deleting the following language from Section 3(c):

() The state's urban forestry council and personnel shall work in cooperation with the department of transportation in keeping with the requirements of any federal funding.

On motion, Amendment No. 2 was adopted.

Rep. Duer moved that Senate Bill No. 55, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer,

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Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 1091 -- Fees -- Authorizes fee for cost of collecting unpaid court costs or litigation taxes. Amends TCA, Title 20, Ch. 12; Title 40, Ch. 24.

On motion, House Bill No. 1091 was made to conform with **Senate Bill No. 1088**; the Senate Bill was substituted for the House Bill.

Rep. Hargrove moved that **Senate Bill No. 1088** be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Hargrove moved that **Senate Bill No. 1088** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	86
Noes	5
Present and not voting	3

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hillis, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson, Severance, Stamps, Stulce, Thompson, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 86.

Representatives voting no were: Haun, Meyer, Ramsey, Shirley, Stockburger -- 5.

Representatives present and not voting were: Ritchie, Tindell, Whitson -- 3.

A motion to reconsider was tabled.

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House Bill No. 0919 -- Highways, Roads and Bridges -- Directs department of transportation to widen to five lanes U.S. 321 from Townsend to Great Smoky Mountains National Park.

On motion, House Bill No. 919 was made to conform with Senate Bill No. 1276; the Senate Bill was substituted for the House Bill.

Rep. Owenby moved that Senate Bill No. 1276 be passed on third and final consideration.

On motion, Rep. Robinson withdrew Transportation Committee Amendment No. 1.

Rep. Owenby moved that Senate Bill No. 1276 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

House Bill No. 0291 -- Notice, Public -- Requires publication of certain state notices in newspapers published primarily for distribution in urban African American communities. Amends TCA, Titles 4, 12, 54.

On motion, House Bill No. 291 was made to conform with Senate Bill No. 495; the Senate Bill was substituted for the House Bill.

Rep. Brown moved that Senate Bill No. 495 be passed on third and final consideration.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 1.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2, as follows:

Amendment No. 2

Amend Senate Bill No. 495 by adding the following as a new section immediately preceding the effective date section and by renumbering the effective date section accordingly:

Section _____. Implementation of the provisions of this act shall be subject to the funding being provided in the general appropriations act.

On motion, Amendment No. 2 was adopted.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 2 House Amendment No. 3, as follows:

Amendment No. 3

Amend Senate Bill No. 495 by deleting the word "Memphis" wherever it appears in the amendatory language in Section 1 and by substituting instead the language "Memphis, rural west Tennessee".

AND FURTHER AMEND by deleting the language "subsequent federal census" in the amendatory language in Section 2 and by substituting instead the language "subsequent federal census and within counties located in rural west Tennessee".

AND FURTHER AMEND by deleting the language "subsequent federal census" in the amendatory language in Section 3 and by substituting instead the language "subsequent federal census and within counties located in rural west Tennessee".

On motion, Amendment No. 3 was adopted.

Rep. Brown moved that **Senate Bill No. 495**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	90
Noes.	2
Present and not voting.	3

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Love, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Stamps, Stockburger, Stulce, Thompson,

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Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 90.

Representatives voting no were: Haley, Liles -- 2.

Representatives present and not voting were: Shirley, Venable, Westmoreland -- 3.

A motion to reconsider was tabled.

***House Bill No. 0417 -- Purchasing -- Creates state purchasing preference for agricultural products from Tennessee.**

On motion, House Bill No. 417 was made to conform with **Senate Bill No. 670**; the Senate Bill was substituted for the House Bill.

Rep. Fowlkes moved that **Senate Bill No. 670** be passed on third and final consideration.

On motion, Rep. Bell withdrew Agriculture Committee Amendment No. 1.

Rep. Fowlkes moved to adopt Amendment No. 2 as follows:

Amendment No. 2

Amend Senate Bill No. 670 by deleting Section 2 in its entirety and by renumbering the subsequent section accordingly.

On motion, Amendment No. 2 was adopted.

Rep. Fowlkes moved that **Senate Bill No. 670**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix,

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Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 1321 -- Public Service Commission -- Increases certain public utility regulatory fees earmarked for PSC. Amends TCA 65-4-303, 304.

Rep. Givens moved that House Bill No. 1321 be reset next to the available space to the Calendar for Tuesday, May 18, 1993, which motion prevailed.

House Bill No. 1200 -- Nurses, Nursing -- Authorizes testing of nursing assistants in facility in which assistant is or will be employed. Amends TCA, Title 68, Ch. 11, Pt. 2.

On motion, House Bill No. 1200 was made to conform with Senate Bill No. 342; the Senate Bill was substituted for the House Bill.

Rep. Dixon moved that Senate Bill No. 342 be passed on third and final consideration.

On motion, Rep. Dixon withdrew Health and Human Resources Committee Amendment No. 1.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2.

Rep. Dixon moved that Senate Bill No. 342 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

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*House Bill No. 0362 -- Insurance, Health, Accident -- Changes date from April 1 to April 15 for board of directors of comprehensive health insurance pool to file financial report. Amends TCA, Title 56, Ch. 39, Pt. 1.

Rep. Kernell moved that House Bill No. 362 be reset to the Calendar for Tuesday, May 18, 1993, which motion prevailed.

House Bill No. 1234 -- Private Investigators -- Makes certain regulatory changes. Amends TCA, Title 62, Ch. 26.

Rep. Ritchie moved that House Bill No. 1234 be reset to the Calendar for Tuesday, May 18, 1993, which motion prevailed.

*House Bill No. 0015 -- Judges and Chancellors -- Creates additional position of judge in sixteenth judicial district; provides procedure for election of judges until 1998. Amends TCA, Title 16, Ch. 2, Pt. 5.

Rep. Bragg moved that House Bill No. 15 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 15 by adding the following as a new section immediately preceding the effective date section and by renumbering the effective date section accordingly:

Section _____. Implementation of the provisions of this act shall be subject to the funding being provided in the general appropriations act.

On motion, Amendment No. 1 was adopted.

Rep. Bragg moved that House Bill No. 15, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer,

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Miller, Mires, Moore, Napier, Odom, Peroulas, Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

*House Bill No. 0319 -- Taxes -- Extends period for sales tax extensions from 30 to 45 days. Amends TCA, Titles 56, 57, 67.

Rep. Bragg moved that House Bill No. 319 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 319 by deleting all language following the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 67-6-509, is amended by adding the following additional language to subsection (c):

The limitation provided by this subsection shall not apply to returns filed by any out-of-state person making sales into Tennessee who cannot be required to register for sales and use tax under applicable law but who nevertheless voluntarily registers to collect and remit use tax on items of tangible personal property sold to Tennessee customers.

Section 2. This act shall take effect upon becoming a law, the public welfare requiring it and shall apply to returns filed on or after July 1, 1993.

On motion, Amendment No. 1 was adopted.

Rep. Bragg moved that House Bill No. 319, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	93
Noes.	1

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher,

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Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Peroulas Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Allen -- 1.

A motion to reconsider was tabled.

House Bill No. 1665 -- Morristown -- Revises civil service system. Amends Chapter 370, Private Acts of 1955, as amended.

Further consideration of House Bill No. 1665, previously considered May 12, 1993, at which time it was objected to on the Consent Calendar and reset to the Regular Calendar for May 13, 1993.

Rep. Johnson moved that House Bill No. 1665 be re-referred to the Calendar and Rules Committee, which motion prevailed.

House Joint Resolution No. 0299 -- Memorials, Personal Achievement -- Mary Anne Thomas Long, 1993 Tennessee Mother of the Year.

Further consideration of House Joint Resolution No. 299, previously considered on May 12, 1993, at which time it was objected to on the Consent Calendar and reset to the Regular Calendar for May 13, 1993.

Rep. McKee moved that House Joint Resolution No. 299 be adopted, with the request that all members voting aye be added as sponsors, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger,

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Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***House Bill No. 1117 -- Trademarks and Trade Names -- Enacts revised "Model Trademark Act of 1993". Amends TCA, Title 47, Ch. 25.**

Further consideration of House Bill No. 1117, previously considered on May 12, 1993, at which time it was reset to the Calendar for May 13, 1993.

Rep. Fowlkes moved that House Bill No. 1117 be passed on third and final consideration.

Rep. Fowlkes moved to adopt Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 1117 by adding the following language to Section 1(b) as a new, appropriately designated subdivision:

() "Related company" means any person whose use of a mark is controlled by the owner of the mark with respect to the nature and quality of the goods or services on or in connection with which the mark is used.

AND FURTHER AMEND by deleting Section 1(b)(1)(2) in its entirety and by substituting instead the following:

(2) When any course of conduct of the owner, including acts of omission as well as commission causes the mark to become the generic name for the goods or services on or in connection with which it is used or otherwise to lose its significance as a mark. Purchaser motivation shall not be a test for determining abandonment under this paragraph.

AND FURTHER AMEND by deleting Section 3(d) in its entirety and by substituting instead the following:

(d) A statement that the applicant is the owner of the mark, that the mark is in use and that, to the knowledge of the person verifying the application, no other person has registered, either federally or in this state, or has the right to use such mark either in identical form thereof or in such near resemblance thereto as to be likely, when applied to the goods or services of such other person, to cause confusion, or to cause mistake, or to deceive, within this state.

The secretary may also require that a drawing of the

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mark, complying with such requirements as the secretary may specify, accompany the application.

The application shall be signed and verified by oath or affirmation by the applicant or a member of the firm or an officer of the corporation or association applying.

The application shall be accompanied by three (3) specimens showing the mark as actually used.

The application shall be accompanied by an application fee paid payable to the secretary of state.

AND FURTHER AMEND by deleting Section 4(b) in its entirety and by substituting instead the following:

(b) The applicant shall provide additional pertinent information requested by the secretary including a description of a design mark and may make or authorize the secretary to make, such amendments to the application as may be reasonably requested by the secretary or deemed by applicant to be advisable to respond to any rejection or objection.

AND FURTHER AMEND by adding the following language at the end of Section 4(c):

Nothing in this particular section is meant to change or changes the applicant's or registrant's substantive legal rights in the enforcement of a mark as a whole.

AND FURTHER AMEND by designating the language of Section 6 of the printed bill as subsection "(b)" and by adding the following language, to be designated as subsection "(a)":

(a) Where a registered mark or a mark sought to be registered is or may be used legitimately by related companies, such use shall inure to the benefit of the registrant or applicant for registration, and such use shall not affect the validity of such mark or of its registration, provided such mark is not used in such manner as to deceive the public. If first use of a mark by a person is controlled by the registrant or applicant for registration of the mark with respect to the nature and quality of the goods or services, such first use shall inure to the benefit of the registrant or applicant, as the case may be.

AND FURTHER AMEND by adding the following language as a new paragraph to Section 6(b):

The secretary of state shall notify registrants of marks hereunder of the necessity of renewal within the year next preceding expiration of the five (5) years from the date of registration, or last renewal, as the case may be,

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by writing to the last known address of the registrants.

AND FURTHER AMEND by deleting Section 9(3)(e) in its entirety and by substituting instead the following:

(e) The mark is or has become the generic name for the goods or services, or a portion thereof, for which it has been registered; provided, however, that a registered mark shall not be deemed to be the generic name of goods or services solely because such mark is used as a name of or to identify a unique product or service. The primary significance of the registered mark to the relevant public rather than purchaser motivation shall be the test for determining whether the registered mark has become generic name of goods or services on or in connection with which it has been used.

AND FURTHER AMEND by deleting the last paragraph of Section 13 in its entirety and by substituting instead the following:

The owner is entitled only to injunctive relief in this state in an action brought under this section, unless the subsequent user acted with the intention (a) to trade on the owner's reputation; or (b) to cause dilution of the owner's mark. If such intent is proven, the owner is also entitled to the remedies set forth in this act, subject to the discretion of the court and the principles of equity.

AND FURTHER AMEND by deleting Section 15(A) in its entirety and by substituting instead the following:

(A) Actions seeking cancellation of the mark registered pursuant to this act or in mandamus to compel registration of the mark pursuant to this act shall be brought in the chancery court. In an action in mandamus, the proceeding shall be based solely upon the record before the secretary. In an action for cancellation, the owner of the mark which is the subject of the registration sought to be cancelled shall be named as a party to the proceeding; provided, further, that the secretary shall not be made a party to the proceeding but shall be notified of the filing of the complaint by the clerk of the court in which it is filed and the secretary shall be given the right to intervene in the action seeking cancellation of the mark registered pursuant to this act. An action seeking cancellation may be filed by any person who believes that he is or will be damaged by the continued registration in this state of such mark.

On motion, Amendment No. 1 was adopted.

Rep. Fowlkes moved that House Bill No. 1117, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 0751 -- Hospitals and Health Care Facilities -- Revises freezer standards for nursing homes. Amends TCA, Title 68, Ch. 11; Title 71, Ch. 5.

Further consideration of House Bill No. 751, previously considered on May 12, 1993, at which time it was reset to the Calendar for May 13, 1993.

On motion, House Bill No. 751 was made to conform with Senate Bill No. 341; the Senate Bill was substituted for the House Bill.

Rep. Kisber moved that Senate Bill No. 341 be passed on third and final consideration.

On motion, Rep. Armstrong withdrew Health and Human Resources Committee Amendment No. 1.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2.

Rep. Kisber moved that Senate Bill No. 341 be passed on third and final consideration.

Rep. Rhinehart moved the previous question, which motion prevailed.

Rep. Kisber moved that Senate Bill No. 341 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	63
Noes.	28
Present and not voting.	2

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Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Boyer, Bragg, Brooks, Buck, Callicott, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Dixon, Ferguson, Fisher, Fowlkes, Givens, Hargrove, Head, Herron, Hillis, Johnson, Jones R (Shelby), Kernell, Kisber, Knight, Liles, Love, McDaniel, McKee, Miller, Mires, Moore, Napier, Owenby, Phelan, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Rinks, Ritchie, Robinson, Severance, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, Westmoreland, Whitson, Williams (Union), Williams (Williamson), Wix, Mr. Speaker Naifeh -- 63.

Representatives voting no were: Allen, Arriola, Byrd, Chumney, DeBerry, Duer, Garrett, Gunnels, Haley, Halteman Harwell, Hassell, Jones U (Shelby), Joyce, Kent, Lewis, McAfee, Meyer, Odom, Peroulas Draper, Ramsey, Rigsby, Shirley, Stamps, Stockburger, West, Williams (Shelby), Windle, Wood -- 28.

Representatives present and not voting were: Brown, Winningham -- 2.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to Rule No. 31, the following member(s) desire to change their original stand from aye to no on Senate Bill No. 341 and have this statement entered in the Journal: Rep(s). Cole (Carter).

REGULAR CALENDAR, CONTINUED

House Bill No. 0758 -- Health, Dept. of -- Revises procedure and income reporting requirements for grant assistance programs; requires monthly payment of grant. Amends TCA, Title 71, Ch. 5, Pt. 13.

Further consideration of House Bill No. 758, previously considered on May 12, 1993, at which time it was reset to the Calendar for May 13, 1993.

On motion, House Bill No. 758 was made to conform with Senate Bill No. 404; the Senate Bill was substituted for the House Bill.

Rep. Kisber moved that Senate Bill No. 404 be passed on third and final consideration.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 1.

Rep. Kisber moved that Senate Bill No. 404 be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes.	91
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, DeBerry, Dixon, Duer, Ferguson, Fisher, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hillis, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 91.

A motion to reconsider was tabled.

***House Bill No. 0286 -- Insurance, Health, Accident --** Requires health insurance contracts which reimburse services in lawful scope of practice of duly certified nurse midwife to reimburse for such service whether performed by duly licensed physician or duly certified nurse midwife. Amends TCA, Title 56, Ch. 7, Pt. 1.

Rep. Armstrong requested that House Bill No. 286 be moved to the heel of the Calendar.

***Senate Bill No. 0987 -- Taxes, Ad Valorem --** Exempts certain real and personal property from ad valorem taxation; establishes procedure for persons claiming exemption. Amends TCA, Title 56, Ch. 7, Pt. 1.

Further consideration of Senate Bill No. 987, previously considered on May 12, 1993, at which time it was substituted for House Bill No. 1466, a motion was made to adopt Amendment No. 1, and the bill was reset to the Calendar for May 13, 1993.

Rep. Herron requested that Senate Bill No. 987 be moved down one place on the Calendar.

Senate Bill No. 1298 -- Physicians and Surgeons -- Requires University of Tennessee and East Tennessee State University to develop and implement plan to graduate as primary care physicians or family practitioners 10 percent more than currently graduating. Amends TCA, Title 49.

Further consideration of Senate Bill No. 1298, previously considered on May 12, 1993, at which time it was substituted for House Bill No. 990; Amendment Nos. 1 through 6 were withdrawn; Amendment No. 1 to Amendment No. 7 was adopted; a motion was made to

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adopt Amendment No. 7, as amended; and the bill was reset to the Calendar for May 13, 1993.

Rep. Rhinehart moved the previous question on Amendment No. 7 as amended, which motion prevailed.

On motion, Amendment No. 7, as amended, was adopted.

Rep. Odom moved that Amendment No. 8 be withdrawn, which motion prevailed.

Rep. Allen moved the previous question, which motion prevailed.

Senate Bill No. 1298, as amended, failed to pass on third and final consideration by the following vote:

Ayes.	46
Noes.	32
Present and not voting.	17

Representatives voting aye were: Brooks, Brown, Buck, Byrd, Chumney, Clark, Cole (Dyer), Collier, Crain, Cross, DeBerry, Dixon, Fisher, Fowlkes, Givens, Herron, Hillis, Johnson, Jones R (Shelby), Kernell, Kisber, Knight, Lewis, Love, McKee, Mires, Moore, Napier, Phelan, Pinion, Purcell, Rhinehart, Ridgeway, Rinks, Robinson, Stamps, Stulce, Thompson, Turner (Hamilton), Turner (Shelby), West, Williams (Shelby), Williams (Williamson), Windle, Winningham, Mr. Speaker Naifeh -- 46.

Representatives voting no were: Allen, Anderson, Armstrong, Arriola, Bell, Boyer, Bragg, Callicott, Coffey, Davidson, Duer, Ferguson, Garrett, Hargrove, Hassell, Haun, Head, Joyce, Kent, Liles, Meyer, Phillips, Ramsey, Ritchie, Shirley, Stockburger, Tindell, Venable, Westmoreland, Williams (Union), Wix, Wood -- 32.

Representatives present and not voting were: Bittle, Cole (Carter), Davis, Gunnels, Haley, Halteman Harwell, Jones U (Shelby), McAfee, McDaniel, Miller, Odom, Owenby, Peroulas Draper, Rigsby, Severance, Walley, Whitson -- 17.

Pursuant to Rule No. 39, Senate Bill No. 1298, having failed to receive a constitutional majority, was re-referred to the Calendar and Rules Committee.

***Senate Bill No. 0987 -- Taxes, Ad Valorem --** Exempts certain real and personal property from ad valorem taxation; establishes procedure for persons claiming exemption. Amends TCA, Title 67, Ch. 5. Repeals TCA 67-5-218.

Further consideration of Senate Bill No. 987, previously considered on today's Calendar.

Rep. Herron moved that Senate Bill No. 987 be reset to the Calendar for Tuesday, May 18, 1992, which motion prevailed.

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House Bill No. 1183 -- Workers' Compensation -- Requires proof of workers' compensation coverage before building permit can be issued. Amends TCA, Title 13, Ch. 7.

On motion, House Bill No. 1183 was made to conform with Senate Bill No. 506; the Senate Bill was substituted for the House Bill.

Rep. Meyer moved that Senate Bill No. 506 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1, seconded by Rep. Meyer, as follows:

Amendment No. 1

Amend Senate Bill No. 506 by adding the following as new Section 3 and by renumbering the existing Section in the printed bill accordingly:

SECTION 3. The Commissioner of Labor shall promulgate rules and regulations pursuant to Title 4, Chapter 5, to implement the provisions of this act. Such rules and regulations shall include forms issued by the department of labor which indicate evidence of compliance with the provisions of § 50-6-405 and §50-6-406.

On motion, Amendment No. 1 was adopted.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 2, seconded by Rep. Meyer, as follows:

Amendment No. 2

Senate Bill No. 506 by adding at the end of Section 1(b) the following:

A building permit applicant may use a copy of either a certificate of insurance or a workers compensation policy instead of the certificate from the department of labor as evidence of compliance with this section.

AND FURTHER AMEND by adding at the end of Section 2(b) the following:

A building permit applicant may use a copy of either a certificate of insurance or a workers compensation policy instead of the certificate from the department of labor as evidence of compliance with this section.

On motion, Amendment No. 2 was adopted.

Senate Bill No. 506, as amended, passed on third and final consideration by the following vote:

Ayes. 75
Noes. 20

Representatives voting aye were: Allen, Anderson, Armstrong, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Davidson, Davis, DeBerry, Dixon, Duer, Fisher, Fowlkes, Garrett, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Hillis, Huskey, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Liles, Love, McAfee, McDaniel, Meyer, Miller, Mires, Napier, Odom, Owenby, Peroulas Draper, Phillips, Purcell, Ramsey, Rhinehart, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Wix, Wood -- 75.

Representatives voting no were: Arriola, Buck, Crain, Cross, Ferguson, Givens, Herron, Johnson, Lewis, McKee, Moore, Phelan, Pinion, Ridgeway, Rigsby, Rinks, Williams (Williamson), Windle, Winningham, Mr. Speaker Naifeh -- 20.

A motion to reconsider was tabled.

House Joint Resolution No. 0325 -- Memorials, Death -- Tim Kerin, University of Tennessee athletic trainer.

Further consideration of House Joint Resolution No. 325, previously considered on today's Consent Calendar at which time it was objected to and reset to the heel of the Regular Calendar.

Rep. Severance moved that House Joint Resolution No. 325 be adopted, with the request that all members voting aye be added as sponsors, which motion prevailed by the following vote:

Ayes. 96
Noes. 0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

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*Senate Bill No. 1125 -- Election Laws -- Allows a person to wear button, cap, pin, shirt or other article of clothing in polling place. Amends TCA, Title 2.

Further consideration of Senate Bill No. 1125, previously considered on today's Calendar.

Rep. Chumney moved that Senate Bill No. 1125 be passed on third and final consideration.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 1.

Rep. U. Jones moved to adopt Amendment No. 2 as follows:

Amendment No. 2

Amend Senate Bill No. 1125 by adding a new section to provide as follows:

Section ____ Tennessee Code Annotated, Section 2-7-111(b) is amended by deleting the words "or on the grounds of any building" from the last sentence of that subsection so that sentence as amended will read as follows:

"No campaign posters, signs or other campaign literature may be displayed on or in any building in which a polling place is located."

On motion, Amendment No. 2 was adopted.

Rep. Buck moved the previous question, which motion prevailed by the following vote:

Ayes.	68
Noes.	18

Representatives voting aye were: Armstrong, Arriola, Bell, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Crain, Cross, Davidson, DeBerry, Dixon, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Hassell, Head, Herron, Hillis, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Liles, Love, Meyer, Miller, Mires, Moore, Napier, Owenby, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Ritchie, Robinson, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Shelby), Walley, West, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wix -- 68.

Representatives voting no were: Allen, Bittle, Boyer, Davis, Duer, Fisher, Halteman, Harwell, Haun, McAfee, McDaniel, McKee, Peroulas Draper, Phelan, Severance, Venable, Westmoreland, Williams (Shelby), Wood -- 18.

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Senate Bill No. 1125, as amended, passed on third and final consideration by the following vote:

Ayes	55
Noes	34

Representatives voting aye were: Armstrong, Arriola, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Cole (Carter), Cole (Dyer), Crain, Cross, Davidson, DeBerry, Dixon, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Hassell, Herron, Hillis, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Knight, Liles, Love, Miller, Moore, Napier, Owenby, Phelan, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Robinson, Stulce, Thompson, Tindell, Turner (Shelby), Venable, Westmoreland, Williams (Shelby), Williams (Williamson), Wix -- 55.

Representatives voting no were: Allen, Bell, Bittle, Boyer, Coffey, Duer, Fisher, Halteman, Harwell, Haun, Johnson, Kisber, Lewis, McAfee, McDaniel, McKee, Meyer, Mires, Odom, Peroulas, Draper, Phillips, Pinion, Rigsby, Severance, Shirley, Stamps, Stockburger, Walley, West, Whitson, Williams (Union), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 34.

A motion to reconsider was tabled.

House Resolution No. 0056 -- Memorials, Government Officials -- Urges public service commission to study feasibility of including Dickson County within local telephone calling area for Nashville and vicinity.

Further consideration of House Resolution No. 56, previously considered on today's Consent Calendar at which time it was objected to and reset to the heel of the Regular Calendar.

Rep. Ridgeway moved that House Resolution No. 56 be adopted.

Rep. Ridgeway moved to adopt Amendment No. 1 as follows:

Amendment No. 1

Amend House Resolution No. 56 by deleting the second resolving clause in its entirety.

On motion, Amendment No. 1 was adopted.

Rep. Ridgeway moved that House Resolution No. 56, as amended, be adopted, which motion prevailed.

A motion to consider was tabled.

House Bill No. 0881 -- Appropriations -- Appropriates \$50,000 to Tennessee Commission on Commemoration of the Holocaust to fund specific educational programs.

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Further consideration of House Bill No. 881, previously considered on today's Consent Calendar, at which time it was objected to and reset to the heel of the Regular Calendar.

Rep. Kisber moved that House Bill No. 881 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	93
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh--93.

A motion to reconsider was tabled.

Senate Joint Resolution No. 0222 -- Memorials, Interns -- Mary Agnes Raulston.

Rep. Stulce moved that Senate Joint Resolution No. 222 be reset to the Calendar for Tuesday, May 18, 1993, which motion prevailed.

PARLIAMENTARY INQUIRY

Rep. Severance inquired whether a bill, having failed on the floor of the House during the last days of session, would have to have a two-thirds vote of the Calendar and Rules Committee to be considered again on the floor of the House.

RULING OF THE CHAIR

Speaker Naifeh ruled that, pursuant to Rule No. 39, any bill that failed and was referred to the Calendar and Rules Committee during the last seven days of session, would have to be voted on and agreed to by a two-thirds vote of the members of the House (66 votes) in order to be considered again on the floor of the House.

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REGULAR CALENDAR, CONTINUED

*House Bill No. 0286 -- Insurance, Health, Accident -- Requires health insurance contracts which reimburse services in lawful scope of practice of duly certified nurse midwife to reimburse for such service whether performed by duly licensed physician or duly certified nurse midwife. Amends TCA, Title 56, Ch. 7, Pt. 1.

Further consideration of House Bill No. 286, previously considered on today's Calendar.

Rep. Armstrong moved that House Bill No. 286 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

SPECIAL CONSENT CALENDAR

House Resolution No. 0074 -- Memorials, Professional Achievement -- Calsonic Manufacturing Corporation anniversary.

House Resolution No. 0075 -- Memorials, Recognition and Thanks -- Ron Thomas.

House Resolution No. 0076 -- Memorials, Personal Achievement -- Lowe Finney, Tennessee Beta Club President.

House Resolution No. 0077 -- Memorials, Interns -- P. Richelle White.

House Joint Resolution No. 0326 -- Memorials, Recognition and Thanks -- Paris-Henry County Jaycees, Fish Fry.

House Joint Resolution No. 0327 -- Memorials, Academic

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Achievement -- John Morgan Graham, 1993 Valedictorian, Lebanon High School.

House Joint Resolution No. 0328 -- Memorials, Academic Achievement -- Dresden High School Valedictorian and Salutatorian.

House Joint Resolution No. 0329 -- Memorials, Academic Achievement -- Gleason High School Valedictorian and Salutatorian.

House Joint Resolution No. 0330 -- Memorials, Academic Achievement -- Greenfield High School Valedictorian and Salutatorian.

House Joint Resolution No. 0331 -- Memorials, Academic Achievement -- Martin Westview High School Valedictorian and Salutatorian.

House Joint Resolution No. 0332 -- Memorials, Academic Achievement -- Palmersville High School, Valedictorian and Salutatorian.

House Joint Resolution No. 0333 -- Memorials, Academic Achievement -- Sharon High School Valedictorian and Salutatorian.

Senate Joint Resolution No. 0223 -- Memorials, Death -- Carol Oakes, Morristown.

Senate Joint Resolution No. 0224 -- Memorials, Death -- Mamie Zwingle.

Pursuant to Rule No. 50, Rep. Turner (Hamilton) moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.	93
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Dyer), Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams

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(Williamson). Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE MESSAGE

*Senate Bill No. 0121 -- Sunset Laws -- Department of finance and administration, June 30, 2000. Amends TCA, Title 4, Chs. 3, 29.

CONFERENCE COMMITTEE APPOINTED ON SENATE BILL NO. 121

Pursuant to Rule No. 73, Representative Kernell moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on Senate Bill No. 121, which motion prevailed.

The Speaker appointed Representatives Kernell, Johnson and Hargrove as the House members of the Conference Committee on Senate Bill No. 121.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 0522 -- Contractors -- Prohibits county or municipality from discriminating against state licensed plumbing, electrical, heating, ventilation, or air conditioner contractor on basis of licensee's non-residency in county or municipality. Amends TCA 62-6-111.

Senate Amendment No. 1

Amend House Bill No. 522 by deleting from the last sentence of the amendatory language of SECTION 1 the words "state licensee" wherever they appear and substituting instead the words "state licensee or its employees".

Rep. Turner (Shelby) moved that the House concur in Senate Amendment(s) No(s) 1 to House Bill No. 522, which motion prevailed by the following vote:

Ayes.	94
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Crain, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson,

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Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

House Bill No. 1159 -- Civil Procedure -- Authorizes plaintiff in civil suit to add third parties as defendants in certain circumstances. Amends TCA, Title 20.

Senate Amendment No. 2

Delete Section 3 and substitute a new Section 3

Shall become law upon passage the public welfare requiring it.

Rep. Hargrove moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 1159**, which motion prevailed by the following vote:

Ayes	92
Noes	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Crain, Cross, Davidson, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

House Bill No. 1494 -- Military -- Establishes military affairs commission. Amends TCA, Title 4.

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Senate Amendment No. 2

Amend House Bill No. 1494 by deleting the first sentence of Section 4 and by substituting instead the following:

The Tennessee military affairs commission shall consist of an executive committee and such subcommittees as the executive committee may appoint and establish from its membership in order to consider specific issues relating to the state and the military.

AND FURTHER AMEND By deleting from Section 5(1) the word and punctuation "governor;" and by substituting instead the words "governor, or the governor's designee;".

AND FURTHER AMEND By deleting Section 6 and by substituting instead the following:

SECTION 6. The executive committee shall meet at least two (2) times each year, and may meet at other times at the call of the governor, or the governor's designee, to establish the commission's goals and to review issues identified and recommendations made. All meetings of the executive committee and any subcommittee thereof shall be conducted in Nashville.

AND FURTHER AMEND By deleting Section 7 and by substituting instead the following:

SECTION 7. No member of the executive committee or any subcommittee thereof shall receive from the state any per diem, travel reimbursement, or other compensation paid in consideration for serving on or attending meetings of the executive committee or any subcommittee thereof.

AND FURTHER AMEND By deleting Section 8.

Senate Amendment No. 3

Amend House Bill No. 1494 by deleting from the 2nd sentence of Section 6 as amended the words "All meetings" and by substituting instead the words "At least one of the meetings".

Rep. Knight moved that the House concur in Senate Amendment(s) No(s). 2 and 3 to House Bill No. 1494, which motion prevailed by the following vote:

Ayes.	89
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Crain, Cross, Davidson, DeBerry, Dixon, Duer, Ferguson, Fisher,

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Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kisber, Knight, Lewis, Liles, Love, McDaniel, McKee, Meyer, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 89.

A motion to reconsider was tabled.

House Bill No. 1538 -- County Officers -- Establishes minimum competency standards for constables; requires attendance at in-service education courses throughout year. Amends TCA, Title 8, Ch. 10.

Senate Amendment No. 2

AMEND House Bill No. 1538 by deleting from Section 7 the words "The provisions of this act shall not apply to" and by substituting instead the following:

The provisions of Sections 1 through 6 of this act shall not apply to

AND FURTHER AMEND by inserting the following language as a new, appropriately designated section immediately preceding the effective date section and by renumbering the effective date section accordingly:

SECTION __.

(a) Tennessee Code Annotated, Section 8-10-104, is amended by deleting the language of the section in its entirety.

(b) Tennessee Code Annotated, Section 8-10-105, is amended by deleting the language of the section in its entirety.

(c) Tennessee Code Annotated, Title 8, Chapter 10, Part 1, is amended by adding the following language as a new, appropriately designated section:

Any vacancy in the office of constable shall be filled by appointment of the county legislative body and by election of the people in accordance with the provisions of Tennessee Code Annotated, Section 5-1-104.

Rep. Phelan moved that the House concur in Senate Amendment(s).

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No(s). 2 to House Bill No. 1538, which motion prevailed by the following vote:

Ayes.....	92
Noes.....	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Cole (Carter), Cole (Dyer), Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McDaniel, McKee, Meyer, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Purdell, Ramsey, Rhinehart, Ridgeway, Rigby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

House Bill No. 1556 -- Civil Procedure -- Requires that trustee or representative be present at judicial or trust sale. Amends TCA, Title 35, Ch. 5, Pt. 1.

Senate Amendment No. 2

Amend House Bill No. 1556 by deleting Section 1 in its entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 35, Chapter 5, Part 1, is amended by adding the following new section:

In any sale of land to foreclose a deed of trust, mortgage, or other lien securing the payment of money or other thing of value, the trustee or person or entity holding a similar position, may attend the foreclosure either in person or by an agent. If the trustee attends by an agent, the agent may receive bids and conduct the sale on behalf of the trustee. Provided, however, the trustee shall execute any applicable trustee's deed or similar conveyance instrument. The appointment of such agent by a trustee need not be by written instrument, nor shall there be a requirement for any recording relative to such appointment.

Rep. Clark moved that the House concur in Senate Amendment(s) No(s). 2 to House Bill No. 1556, which motion prevailed by the

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following vote:

Ayes	94
Noes	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McDaniel, McAfee, McKee, Meyer, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

***House Joint Resolution No. 0320 -- General Assembly, Adjournment, Recess -- Provides for recess on Thursday, May 13, 1993, to reconvene on May 18, 1993.**

Senate Amendment No. 1

Amend House Joint Resolution No. 320 by deleting from the first resolving clause the words "the Ninety-Eighth General Assembly" and by substituting instead the following:

the House of Representatives

Rep. Purcell moved that the House concur in Senate Amendment(s) No(s). 1 to House Joint Resolution No. 320, which motion prevailed by the following vote:

Ayes	94
Noes	0
Present and not voting	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby,

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Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

Representatives present and not voting were: Turner (Hamilton) -- 1.

A motion to reconsider was tabled.

House Bill No. 0590 -- Uniform Commercial Code -- Adds Article 2A -- Leases to UCC. Amends TCA, Title 47, Chs. 1, 9.

Senate Amendment No. 2

Amend House Bill No. 590 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. There is created a special review committee to study Article 2A as proposed by this act. The committee shall be composed of the following persons:

One representative of the Tennessee Bar Association appointed by the speaker of the house;

One representative of the Tennessee Bankers Association appointed by the speaker of the house;

One representative of the Tennessee Automotive Association appointed by the speaker of the house;

One representative of the National Conference of Commissioners on Uniform State Laws appointed by the speaker of the senate;

One person with an interest in commercial law on the faculty of one of the law schools in Tennessee appointed by the speaker of the senate;

One member from each of the senate and house standing committees dealing with commerce appointed by the respective speakers; and

One member from each of the senate and house standing committees on judiciary appointed by the respective speakers.

The committee shall review this act and make a report including proposed legislation, if appropriate, to the two speakers by January 14, 1994, at which time the committee shall cease to exist.

Senate Amendment No. 3

Amend House Bill No. 590 by deleting the effective date section and by substituting instead the following new section:

SECTION ____ This act shall take effect July 1, 1994, the public welfare requiring it.

Rep. Hargrove moved that the House concur in Senate Amendment(s) No(s). 2 and 3 to House Bill No. 590, which motion prevailed by the following vote:

Ayes.	94
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

***House Bill No. 0926 -- Pensions and Retirement Benefits --**
Allows retired firefighters and police officers to return to service without suspension of retirement benefits under certain conditions.
Amends TCA, Title 8, Ch. 36, Pt. 8.

Senate Amendment No. 2

Amend House Bill No. 926 by adding at the end of Section 1 the following language:

A person who retired on the basis of a disability is not eligible for the return to service authorized by this act.

Senate Amendment No. 4

Amend House Bill No. 926 by adding the following new section immediately before the effective date provision:

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SECTION ____ Tennessee Code Annotated, Title 8, Chapter 36, Part 8, is amended by adding the following new section:

Section 8-36-8. Notwithstanding any other law to the contrary, any person retired from the Tennessee Consolidated Retirement System based upon service as a municipal policeman or municipal fireman, may work, in addition to the ninety (90) days prescribed in § 8-36-805, an additional ninety (90) days as a law enforcement instructor in an institution of higher learning, provided the following conditions are met:

(1) The head of the employing institution certifies in writing to the division of retirement that the person has the requisite experience, training and expertise for the position to be filled and that no other qualified persons are available to fill the position;

(2) The chief legislative body of the municipality from which the person retired passes a resolution authorizing continuation of the retirement benefits and accepting the liability thereof; and

(3) The person shall not be eligible to accrue additional retirement benefits as a result of such employment.

Rep. Whitson moved that the House concur in Senate Amendment(s) No(s). 2 and 4 to House Bill No. 926, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

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House Bill No. 1143 -- Taxes, Privilege -- Authorizes employing state or local government to pay professional privilege tax for employees. Amends TCA, Title 67, Ch. 4, Pt. 17.

Senate Amendment No. 2

Amend House Bill No. 1143 by adding the following at the end of the amendatory language in Section 1 of the printed bill:

As used in this section, "municipal and county governments" shall also include quasi-governmental entities such as developmental districts, utility districts, and other agencies performing governmental or proprietary functions on behalf of municipalities and counties, and associations composed of such quasi-government entities.

Rep. West moved that the House concur in Senate Amendment(s) No(s). 2 to House Bill No. 1143.

Rep. Haun moved that House Bill No. 1143 be reset to the Message Calendar for Tuesday, May 18, 1993, which motion prevailed.

House Bill No. 1207 -- Crime, Victims of -- Revises certain provisions relative to domestic violence including bail, collection of domestic violence data, orders of protection, and confidentiality of information. Amends TCA, Title 8, Ch. 7, Pt. 3; Title 36, Ch. 3; Title 40, Chs. 7, 11; Title 71, Ch. 6.

Rep. Odom moved that House Bill No. 1207 be reset to the Message Calendar for Tuesday, May 18, 1993, which motion prevailed.

UNFINISHED BUSINESS

BILLS WITHDRAWN

On motion of Rep. Buck, House Bill No. 1638 was withdrawn from the House.

RULES SUSPENDED

Rep. Purcell moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 335, which motion prevailed.

***House Joint Resolution No. 0335 -- Memorials, Government Officials --** Urges General Assembly to address health care needs of Tennessee's uninsured working women. by *Turner B, *Duer, *Peroulas Draper, *DeBerry, *Chumney, *Owenby, *Brooks, *Williams K, *Knight, *Hassell, *Halteman Harwell, *Brown.

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RULES SUSPENDED

Rep. Purcell moved to suspend Rule No. 80(1), relative to the time for placing bills on notice in Committee, so that House Joint Resolution No. 335 could be heard by the Finance, Ways and Means Committee on Monday, May 17, 1993, which motion prevailed.

RULES SUSPENDED

Rep. Purcell moved to suspend the rules so that bills coming out of Calendar and Rules Committee at any meeting could be heard on the next available floor calendar, seconded by Rep. Bittle, which motion prevailed.

SPONSORS ADDED

Under Rule No. 43, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 91: Rep(s). Kent as prime sponsor(s).

House Bill No. 290: Rep(s). Jones R. (Shelby) and Knight as prime sponsor(s).

House Bill No. 305: Rep(s). Hargrove, Herron, Love, Naifeh Walley and Williams (Union) as prime sponsors.

House Bill No. 326: Rep(s). Armstrong, Arriola, Bell, Bittle, Boyer, Chumney, Cole (Carter), Cross, Davidson, DeBerry, Ferguson, Haley, Hargrove, Hassel, Haun, Hillis, Kisber, McKee, Mires, Ramsey, Ridgeway, Shirley, Stockburger, Walley, Williams (Shelby), Williams (Union), Windle and Winningham as prime sponsor(s).

House Bill No. 417: Rep(s). Knight as prime sponsor(s).

House Bill No. 463: Rep(s). Callicott as prime sponsor(s).

House Bill No. 490: Rep(s). Bell as prime sponsor(s).

House Bill No. 990: Rep(s). Jackson as prime sponsor(s).

House Bill No. 1049: Rep(s). Head as prime sponsors.

House Bill No. 1124: Rep(s). Kisber as prime sponsor(s).

House Bill No. 1128: Rep(s). Haley, Love, McKee, Ramsey, Stockburger and Williams (Shelby) as prime sponsor(s).

House Bill No. 1420: Rep(s). Peroulas Draper and Herron as prime sponsor(s).

House Bill No. 1500: Rep(s). Johnson, McDaniel and Moore as prime sponsor(s).

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House Bill No. 1532: Rep(s). Anderson, Bittle, Coffey, Peroulas Draper, Duer, Gunnels, Haley, Johnson, McAfee, McDaniel, McKee, Phelan, Ramsey, Severance, Shirley, Stockburger, Stulce, Thompson, Turner (Hamilton) and Williams (Union) as prime sponsor(s).

House Bill No. 1537: Rep(s). Givens, Johnson and Tindell as prime sponsor(s).

House Joint Resolution No. 188: Rep(s). Thompson as prime sponsor(s).

House Joint Resolution No. 236: Rep(s). Cross as prime sponsor(s).

House Joint Resolution No. 258: Rep(s). Winningham as prime sponsor(s).

House Joint Resolution No. 307: Rep(s). Crain as prime sponsor(s).

REQUEST TO BE ADDED AS SPONSOR

The following member(s) requested to add their name(s) as sponsor(s) as indicated below, the prime sponsor having agreed to such addition. Sponsorship was not granted since request was made after passage/adoption of said bill/resolution:

House Bill No. 279: Rep(s). Turner (Hamilton)

House Joint Resolution No. 253: Rep(s). Thompson.

MESSAGE FROM THE SENATE

May 13, 1993

MR. SPEAKER: I am directed to request the return of Senate Joint Resolution No. 222, for further consideration.

CLYDE W. McCULLOUGH, Jr., Chief Clerk.

BILL RETURNED

The Clerk returned Senate Joint Resolution No. 222 to the Senate as requested.

MESSAGE FROM THE SENATE

May 13, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 800, 1045 and 1332; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

THURSDAY, MAY 13, 1993 -- FORTY-SIXTH LEGISLATIVE DAY

ENGROSSED BILLS

May 13, 1993

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1477, 1669, 1671, 1677 and 1678; also, House Joint Resolution(s) No(s). 187, 210, 253, 321, 322, 323 and 324.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 13, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1412; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENROLLED BILLS

May 13, 1993

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bills(s) No(s). 800.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

May 13, 1993

The Speaker announced that he had signed the following: House Bill(s) No(s). 800.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 13, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 800; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

May 13, 1993

The following bill(s) have been transmitted to the Governor for his action: House Bill(s) No(s). 800.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

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SIGNED
May 13, 1993

The Speaker announced that he had signed the following: Senate Bill(s) No(s). 13, 143, 509, 737, 755, 771, 816, 929, 1521, 1560, 1643, 1644 and 1646; also, Senate Joint Resolution(s) No(s). 158 and 209.

MESSAGE FROM THE SENATE
May 13, 1993

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 308, 310, 313, 314, 315, 316, 318 and 319; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
May 13, 1993

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 288, 535 and 1410; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

*Senate Bill No. 0288 -- Administrative Procedure -- Revises technical requirements for rule making; requires some notice of summary suspension of licenses. Amends TCA, Title 4, Ch. 5. by *Haynes.

*Senate Bill No. 0535 -- Workers' Compensation -- Establishes governmental immunity for municipal corporation providing employee in line of duty benefits from personal injury or death by accident. Amends TCA 29-20-106, 50-6-108. by *Henry.

*Senate Bill No. 1410 -- Courts, Juvenile -- Establishes minimum qualifications and salary for juvenile court probation officers and youth services officers. Amends TCA, Title 37, Ch. 1, Pt. 1. by *Person.

ENROLLED BILLS
May 13, 1993

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 212, 238, 453, 486, 541, 553, 722, 974, 1004, 1113, 1142, 1281, 1375, 1583, 1600, 1633, 1634, 1647, 1648, 1650 and 1654; House Joint Resolution(s) No(s). 183, 214, 294, 295, 296, 297, 298, 300, 301, 302, 303, 304, 305 and 306; also, House Resolution(s) No(s). 59, 60, 61, 62, 63, 64, 65, 66, 68, 69, 70 and 71.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

THURSDAY, MAY 13, 1993 -- FORTY-SIXTH LEGISLATIVE DAY

SIGNED
May 13, 1993

The Speaker announced that he had signed the following: House Bill(s) No(s). 212, 238, 453, 486, 541, 553, 722, 974, 1004, 1113, 1142, 1281, 1375, 1583, 1600, 1633, 1634, 1647, 1648, 1650 and 1654; House Joint Resolution(s) No(s). 183, 214, 294, 295, 296, 297, 298, 300, 301, 302, 303, 304, 305 and 306; also, House Resolution(s) No(s). 59, 60, 61, 62, 63, 64, 65, 66, 68, 69, 70 and 71.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS
May 13, 1993

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 15, 283, 290, 305, 319, 326, 355, 708, 1117, 1128, 1407, 1500, 1505, 1532 and 1537; also, House Joint Resolution(s) No(s). 188, 236, 299 and 325.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS
May 13, 1993

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 286 and 881; also, House Joint Resolution(s) No(s). 326, 327, 328, 329, 330, 331, 332 and 333.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

CONSENT CALENDAR
May 13, 1993

The following local bills have been placed on the Consent Calendar for Tuesday, May 18, 1993: House Bill(s) No(s). 1672, 1674, 1675, 1676, 1679, 1680 and 1682.

ROLL CALL

The roll call was taken with the following results:

Present 95

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson,

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Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kieber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Steinkemper, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winingham, Wix, Wood, Mr. Speaker Naifeh -- 95.

On motion of Rep. Purcell, pursuant to House Joint Resolution No. 320, the House recessed until 2:00 p.m., Tuesday, May 18, 1993.